

30.09.2024
Court No.29
Item No. 25

Partly Allowed

sg

CRM (A) 3475 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Taldangra Police Station Case No. 79 of 2024 dated 10.08.2024 under Sections 126(2)/115(2)/117(2)/118(2)/74/351(2)/3(5) of the NBS, pending before the learned Additional Chief Judicial Magistrate, Khatra, Bankura.

And

In Re: **Jaynal Khan & Ors.**

Petitioners

Mr. Sourabh Sengupta

For the Petitioners

Mr. Bitasok Banerjee

Mr. Tapas Kumar Saha

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, nature and extent of complicity of the petitioner no. 1 and 2 in the commission of alleged offence and also considering the nature and gravity of offence and the statement of the injured recorded under Section 164 of the Code of Criminal Procedure read with the medical report which shows that the victim has suffered ‘fractured at head at radius’, we are not inclined to grant anticipatory bail to the petitioner nos. 1 and 2.
3. However, having regard to the nature and extent of involvement of the petitioner nos. 3 and 4 in the commission of the alleged offence, we are of the view that the custodial interrogation of the present petitioner nos. 3 and 4 is not necessary.

4. Accordingly, we direct that in the event of arrest, the present petitioner nos. 3 and 4, namely, **Rahim Khan and Marjina Khan**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner no.3 shall meet the Investigating Officer once in a fortnight and the petitioner no.4 shall cooperate with the investigation. The petitioner nos. 3 and 4 shall appear before the jurisdictional Court within ten days from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 and 2 is rejected and the prayer for anticipatory bail of the petitioner nos. 3 and 4 is allowed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)