

30.09.2024
Court No.29
Item No. 32

Allowed

sg

CRM (A) 3482 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 Murutia Police Station Case No. 251 of 2024 dated 25.08.2024 under Sections 126(2)/117(2)/109/3(5) of the BNS, pending before the learned Additional Chief Judicial Magistrate at Tehatta, Malda.

And

In Re: **Gomal Sekh & Anr.**

Petitioners

Md. Bani Israil
Mr. Biswajit Sarkar
Mr. Aziz Mondal

For the Petitioners

Mr. Sujan Chatterjee

For the State

1. Leave is given to the petitioner to correct the cause title of the petition in course of this day.
2. We have heard the learned Counsel for the parties.
3. It is submitted on behalf of the petitioners that they are innocent and they have been falsely implicated in view of an earlier complainant lodged against the defacto complainant.
4. The learned Counsel for the State has opposed the prayer for anticipatory bail and produced the case diary.
5. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of alleged offence and the injury report of the Medical Officer dated 28th August, 2024 and also another report of the Rural Hospital dated 25th August, 2024, we are of the view that custodial interrogation of the present petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Golam Sekh and Salam Sekh @ Chhamal Skh @ Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 petitioners shall meet the Investigating Officer once in a week till the submission of final report. The petitioners shall appear before the learned jurisdictional Court within ten days from date.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. 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.)