

05.10.2024

Court No.29

Item No. 16

Allowed

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CRM (A) 3488 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranaghat Police Station Case No. 710 of 2024 dated 01.09.2024 corresponding to G.R Case No. 3658 of 2024 under Sections 329(3)/324(2)/ 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25/27 of the Arms Act.

And

In Re: **Basudev Biswas & Anr.**

Petitioners

Ms. Minoti Gomes

For the Petitioners

Mr. Iqbal Kabir

Mr. Tirupati Mukherjee

For the State

Mr. Sumanta Das

Mr. Avilash Tripathi

For the De-facto Complainant

1. Learned counsel for the petitioners submits that the petitioners due to political rivalry have been falsely implicated.
2. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail. It is submitted that the petitioner no. 1 is the principal accused and one Indrajit Sarkar was arrested and thereafter granted bail. The petitioner no. 1 was identified by the de-facto complainant from the CCTV footage.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the statement of the father and brother of the complainant it appears that they suspected that the petitioner no. 1 alleged to have fired a gun shot that had caused a hole in the window. We have carefully read the case diary and the statement of the aforesaid witnesses it appears that there was no eye-witnesses who have seen the petitioner of

carrying any arms. On such consideration, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Basudev Biswas and Surajit Sarkar** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the I.O once in a fortnight till the submission of the final report and the petitioners shall not enter the jurisdiction of Matikumar Village, P.S. Ranaghat, Nadia, except for the purpose of meeting the I.O and for attending the Court and on further condition that the petitioners shall appear before the **learned Additional Chief Judicial Magistrate, Ranaghat Nadia**, within **10 days** from date in connection with **G.R Case No. 3658 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
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)

