

01.10.2024

Court No.29

Item No. 28

Allowed

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CRM (A) 3502 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Amdanga Police Station Case No. 434 of 2024 dated 20.06.2024 corresponding to G,R Case No. 1607 of 2024 under Sections 341/325/326/307/379/34 of the Indian Penal Code.

And

In Re: **Saddam Mondal @ Saddam Hossen & Ors.**
Petitioners

Mr. Parthasarathi Das
Mr. Monojit Chakraborti For the Petitioners

Mr. Anowar Hossain
Ms. Trina Mitra For the State

1. Heard the learned counsel appearing for the parties.
2. There appears to be a case and counter case between the parties. It is alleged that due to political rivalry a false complaint has been lodged against the petitioners.
3. Learned counsel for the State has produce the case diary.
4. 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 there appears to be hot altercation between two groups in which the victim had sustained injury, however, the injury does not appear to be grievous and life threatening. The C.T scan report does not reveal any fracture, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely,
Saddam Mondal @ Saddam Hossen, Abu Taher Mondal @ Bhodo

Mondal, Tayeb Ali Mondal @ Toyeb Mondal, Md. Soel Sabir @ Sohel Mondal, Anowar Hossain @ Anwar Hossain @ Anwar Mondal and Jahangir Mondal @ Jahangir Mandal shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, 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 Investigating Officer once in a fortnight till the submission of the final report and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Barasat**, on or before 8th October, 2024 from date in connection with **G.R Case No. 1607 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.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. 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)