

01.10.2024
SL No.46
Court No.29
(gc)
(Allowed)

CRM (A) 3520 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanchal Police Station Case No.282 of 2024 dated 29.03.2024 under Sections 341/326/307/34 of the Indian Penal Code.

And

In the matter of : **Ansar Ali**

- Petitioner.

Ms. Priya Ghosal

....For the Petitioners.

Mr. Pravas Bhattacharya,

Mr. Tirupati Mukherjee

... For the State.

1. The prayer for anticipatory bail claiming parity with Salema Bibi has been opposed by the learned Counsel for the State.
2. The learned Counsel for the petitioner submits that due to property dispute there has been a hot altercation in which both sides have suffered injury. The petitioner has also lodged a complaint alleging physical assault.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the medical report.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the nature of injury, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner namely, **Ansar Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 of the BNSS, 2023. The petitioner shall cooperate with the investigation till the submission of the final report and the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case no. 769 of 2024 within one week from date. 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 application for anticipatory bail is disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)