

04.10.2024

Court No.29

Item No. 25

**Partly
Allowed**

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CRM (A) 3563 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bharatpur Police Station Case No. 104 of 2024 dated 27.04.2024 corresponding to G.R Case No. 760 of 2024 under Sections 341/325/326/307/506/34 of the Indian Penal Code read with Section 9B of I.E Act.

And

In Re: **Sonarul Sk @ Sonarul Mallick & Ors.**
Petitioners

Mr. Kallol Kumar Basu
Mr. Jannat Ul Firdous For the Petitioners

Mr. Imran Ali
Mr. Nirupam Dhali For the State

1. Learned counsel for the petitioners prays for anticipatory bail claiming parity with the Jaber Sk @ Jaber Ali & Ors., who have been granted anticipatory bail on 20.9.2024 in CRM (A) 3343 of 2024.
2. Learned counsel for the State does not dispute that the petitioners stand on the same footing as that of the Jaber Sk (supra) except the petitioner no. 7, this application for anticipatory bail is allowed.
3. Considering the materials available in the case diary, the nature and extent of complicity of the present petitioners in the commission of the alleged offence, nature of injury and also having regard to the statements of the injured and other witnesses wherefrom it appears that the present petitioners, except the petitioner no. 7, are not the principal accused or the principal assailants and in view of the fact that the allegation against the

present petitioners, except the petitioner no. 7, are omnibus and general in nature and that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the **petitioner nos. 1 to 6** is not necessary. However, considering the materials available in the case diary, we are not inclined to grant anticipatory bail to the **petitioner no. 7**.

4. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 1, Sonarul Sk @ Sonarul Mallick, the petitioner no. 2 Mafir Sk, the petitioner no. 3 Israfil Sk, the petitioner no. 4 Haru Sk, the petitioner no. 5 Soni Sk and the petitioner no. 6 Rumjan Sk** 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 and on further condition that the **petitioner nos. 1 to 6** shall appear before the **learned Additional Chief Judicial Magistrate, at Kandi, Murshidabad**, corresponding to **G.R Case No. 760 of 2024** within **10 days** from date and the **petitioner nos. 1 to 6** shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the **petitioner nos. 1 to 6** shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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 **petitioner nos. 1 to 6** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 7** stands rejected and the application 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)