

04.10.2024

Court No.29

Item No. 44

**Partly
Allowed**

gd/ssd

CRM (A) 3582 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No.424 of 2024 dated 14.06.2024 corresponding to SL No.1225 of 2024 under Sections 341/326/307/354B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: Amzeet Sardar @ Amjed Sardar & Ors.

Petitioners

Mr. Asraf Mandal

For the Petitioners

Mr. Ashok Das

For the State

1. Learned counsel for the petitioners prays for anticipatory bail claiming parity with the Darud Sardar, who have been granted anticipatory bail on 19.09.2024 in CRM (A) 3351 of 2024, this application for anticipatory bail is allowed.
2. Learned counsel for the State has all fairness submitted that the petitioners no.2, 3 and 4 stand on the same footing as Darud Sardar, however, the petitioner no.1 has been specifically named by the victim in his statement recorded under Section 164 Cr.P.C.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, Tinku Bhajan, Faruk Sardar and Kamal Hossain Sardar @ Kamal Sardar shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner nos.2, 3 and 4 shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioners shall appear

before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia, within two weeks from date in connection with SL No.1225 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.

4. Considering the nature and extent of the complicity of the petitioner no.1 in the commission of the alleged offence and also having regard to the statement of the injured and the injury report which appears to be grievous in nature, we are not inclined to grant anticipatory bail of the petitioner no.1, namely, Amzeet Sardar @ Amjed Sardar.
5. Accordingly, the prayer for anticipatory bail of the petitioner nos.2, 3 and 4 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)