

04.10.2024

Court No.29

Item No. 47

Allowed

gd/ssd

CRM (A) 3585 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 Paikar Police Station Case No.254 of 2024 dated 26.06.2024 corresponding to GR Case No.1170 of 2024 under Sections 448/23/325/326/307/379/506/34 of the Indian Penal Code.

And

In Re: Saber Sekh & Ors.

Petitioners

Mr. Mahaboob Ahmed

For the Petitioners

Mr. Imran Ali

Mr. Santanu Deb Roy

For the State

1. Learned counsel for the petitioners prays for anticipatory bail claiming parity with the Arifa Bibi & Others, who have been granted anticipatory bail on 12.09.2024 in CRM (A) 2949 of 2024, prayer for anticipatory bail has been made on behalf of the petitioners.
2. Learned counsel for the State submitted that the victim has specifically named the petitioner no.1 as the principal assailant and has referred to the statement of the victim and the injury report.
3. It appears that the sons of Musaraf Sk. and Saber Sk. were sitting on the culvert and wear playing mobile game. Over that game, dispute arose between them and that dispute has escalated and family members of both sides got involved and hot altercation took place between them. A free fight has also taken place between the parties in which, both the sides appear to have sustained injury. There has been case and counter case between the parties.
4. Considering the materials available in the case diary, the nature of injury sustained by both the parties and the circumstances under which that incident had taken place and the medical report shows the nature of injury is simple.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, Saber Sekh, Soukat Sk @ Sakat Sekh, Baker Sk and Jan Mohammad Sekh @ Babulal Sekh shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the IO once in a week till the submission of the final report and the petitioners shall cooperate with the investigation. The petitioners appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within two weeks from date.
6. In the event the petitioners fail to comply with any of the abovementioned conditions, the trial court shall be at liberty to cancel their bail without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
8. 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)