

05.10.2024

Court No.29

Item No. 15

Allowed

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CRM (A) 3598 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 Baishnabnagar Police Station Case No. 334 of 2024 dated 18.04.2024 corresponding to G.R Case No. 2541 of 2024 under Sections 448/341/323/325/308/354/379/34 of the Indian Penal Code.

And

In Re: **Samim Sk @ Samim Aktar & Ors.**

Petitioners

Mr. Arup Kumar Bhowmick For the Petitioners

Mr. Pravas Bhattacharya

Mr. Bikram Mitra For the State

1. Heard the learned counsel appearing for the parties.
2. 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 the gravity of the offence and the circumstances under which such incident had occurred and having regard to the fact that the injury appears to be simple in nature and moreover the charge-sheet has already been filed, we are of the view that that custodial interrogation of the petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Samim Sk @ Samim Aktar, Habibur Rahaman, Sk Abullah @ Abdul Sk, Dahul Sk @ Gohul Sk, Rahul Sk., Enjamul Sk. and Shefaul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered surety 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 and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Malda**, corresponding to **G.R Case No. 2541 of 2024** within **ten days** from date and the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioners 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.

4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
5. 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)