

07.10.2024
Court No.29
Item No. 53

Allowed

sg

CRM (A) 3621 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Ratua Police Station Case No. 293 of 2024 dated 03.6.2024 under Section 341/324/325/307/379/34 of Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Sk. Mostakim & Ors.**

Petitioners

Mrs. Sujata Das

For the Petitioners

Mr. Kunal Ganguly

For the State

1. We have heard the learned Counsel for the parties.
2. The petitioner no.4, namely, Sekh Jamirul, has not been named in the charge sheet.
3. In view thereof, the application is not pressed as regards the petitioner no.4.
4. Considering the materials available in the case diary, the nature and extent of complicity and involvement of the petitioner nos. 1 to 3 in the commission of alleged offence and the nature of injury which has been classified as ‘slight’ and the circumstances under which such incident had occurred, we are of the view that the custodial interrogation of the petitioner nos. 1 to 3 is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner nos. 1 to 3, namely, **Sk. Mostakim, Sk. Mithun and Sekh Idrish**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, 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 Bharatiya Nagarik Suraksha Sanhita and on further condition that the said petitioner shall meet the Investigating Officer once in a fortnight till the submission of the final report. The petitioner nos. 1 to 3 shall appear before the jurisdictional court within two weeks from date.

6. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 to 3 is allowed.
7. 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.)