

08.10.2024
Court No.29
Item No. 27

Allowed

sg

CRM (A) 3673 of 2024

In Re:- An application for anticipatory bail under Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Gazole Police Station Case No. 774 of 2024 dated 03.09.2024 under Section 329(3)/126(2)/109/117(2)/324(4)/3(5) of BNS, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Hasan Ali & Ors.**

Petitioners

Md. Wasim Akram

For the Petitioners

Md. Zubair Alam

Ms. Jonaki Saha

For the State

1. We have heard the learned Counsel for the parties.
2. It appears that over a property dispute, free fight took place between the parties. Both sides suffered injury. There are case and counter case between the parties.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioners in the commission of alleged offence and also considering the nature of injury sustained and the circumstances under which such incident took place, we are of the view that the custodial interrogation of the present petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Hasan Ali, Ibrahim Ali @ Md Ibrahim Ali and Nazrul Islam @ Najrul Islam**, 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, 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 petitioners shall meet the Investigating Officer once in a fortnight till the submission of the final report. The petitioners shall appear before the jurisdictional court within two weeks from date.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
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.)