

06.11.2024
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as
[PARTLY
ALLOWED]

C. R. M. (A) 3803 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No. 566 of 2024 dated 22.06.2024 under Sections 448/341/323/324/326/307/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Malda.

In Re: ***Jamidar Hoque @ Jamidar Sk. & Ors.***

... ... Petitioners

Mr. Mazahar Hossain Chowdhury.

... ... for the petitioners

Mr. Debabrata Chatterjee, Id. SGA,

Ms. Pritha Paul.

... ... for the State

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Allegations are serious and supported by medical report.
3. Hence, we are not inclined to grant bail to petitioner Nos.3 and 4.
4. Accordingly, the prayer for anticipatory bail of the petitioner Nos.3 and 4 is rejected.
5. However, petitioner No.1 is an octogenarian and petitioner No.2 is a lady. Possibility of false implication due to rivalry cannot be ruled out.
6. Under such circumstances, we are inclined to grant bail to petitioner Nos.1 and 2.
7. Accordingly, we direct that in the event of arrest, the petitioners viz., **1) Jamidar Hoque @ Jamidar Sk. And 2)**

Sulekha Khatun @ Sulekha Bibi be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS. They shall appear before the court below and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)