

07.11.2024
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Allowed

C.R.M. (A) No. 3821 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Penro Police Station Case No. 86 of 2024 dated 12.07.2024 under Sections 126(2)/117(2)/118(2)/109(1)/3(5) of the BNS.

And

In Re : Sk. Julfikar @ Sk. Julfikar & Anr. petitioners

Mr. Anindya Ghosh

Mr. Pronojit Roy

.....for the petitioners

Mr. Atif Ahmed Siddiqui

....for the State

1. Learned Counsel for the petitioners submits as per FIR they are the principal assailants. Subsequently they are falsely implicated. Accordingly, they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. In the FIR no overt act has been attributed to the petitioners. Possibility of embellishment by witnesses in course of investigation cannot be ruled out. In view of the aforesaid dichotomy with regard to the role of the petitioners in the crime we are inclined to grant anticipatory bail to them.

4. Accordingly, we direct that in the event of arrest the petitioners shall 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)