

12.11.2024
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as
[ALLOWED]

C. R. M. (A) 3860 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nandakumar Police Station Case No. 250 of 2024 dated 10.04.2024 under Sections 341/323/324/325/307/ 354/ 506/34 and added Sections 302 of the Indian Penal Code/under Sections 126(2)/115(2)/103(1)/118(1)/109/117(2)/74/3(5)/ added Section 103(1) of Bharatiya Nyaya Sanhita, 2023.

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

... ... Petitioners

Sk. Anwar Ali.

... ... for the petitioners

Mr. Sudip Kujmar,
Mr. Sobhan Gani.

... ... for the State

1. Petitioners submit there was a free fight between families and all the family members have been falsely implicated. A counter case was also registered. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. A free fight ensued between two families. Injuries were suffered at both ends. One Tahid assaulted the victim resulting in his death. Whether petitioners shared common intention to commit the murder has to be assessed at the appropriate stage of the proceeding in light of the following circumstances viz., free fight, injuries suffered by both the parties and registration of counter case over the same issue. Possibility of roping in the family

members due to prior enmity is plausible. There is no chance of abscondence.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners 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 BNSS. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)