

21.11.2024
06
Ct. No. 28
SG
[PARTLY
ALLOWED]

C. R. M. (A) 3912 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 Pursurah Police Station Case No. 261 of 2024 dated 07.08.2024 under Sections 329(2)/115(2)/117(2)/118(2)76/352/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (G.R. Case No. 1608 of 2024).

And

In Re: **Sk. Nurur Jamal @ Nurel Jamal @ Nurjamal and Ors.**

... ... Petitioners

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Laboni Sikder,
Mr. Rony Mondal,
Mr. Soumik Dey.

..... for the petitioners

Mr. Baisali Basu,
Ms. Trina Mitra,

..... for the State

1. Petitioners submit when the children were playing in an open place a dispute arose. Petitioner no. 1's grandson was physically assaulted. In retaliation, instant case was registered and they were falsely implicated. They pray for anticipatory bail.
2. Learned lawyer for the State submits the victim suffered loss of hearing in one ear.
3. We have considered the materials on record A dispute arose over children play in an open space. Petitioner no. 1's grandson was assaulted. Petitioner no. 1 is a septuagenarian. Allegation against petitioner nos. 1 and 4, a lady, are general and omnibus.

4. Accordingly, we are inclined to grant anticipatory bail to the petitioner nos. 1 and 4.

5. We have considered the materials on record with regard to involvement of petitioner nos. 2, 3 and 5. Statements of the witnesses implicate them in the assault. No extenuating circumstance probalising false implication is made out. Injury is grievous.

6. Under such circumstances, we are not inclined to grant anticipatory bail to petitioner nos. 2, 3 and 5.

7. Accordingly, we direct that in the event of arrest, the petitioners viz., **Sk. Nurur Jamal @ Nurel Jamal @ Nurjamal** and **Fatema Begam** be released on bail upon furnishing a bond of Rs.10,000/-, 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 Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the jurisdictional court 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.)