

18.11.2024
27
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 3940 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 G.R. No. 2844/2024 arising out of Ratua Police Station Case No. 528 of 2024 dated 25.09.2023 under Sections 329(4)/118(1)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Rubel and Ors.**

... ... Petitioners

Mr. Santanu Talukdar

... ... for the petitioners

Mr. Imran Ali,
Mr. Rajesh Jana.

... ... for the State

Mr. Nilanjan Adhikari.

... for the de facto complainant

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. We have also examined the injury reports. Incident occurred over a land dispute. Whether the injuries are life threatening have to be assessed at the appropriate stage of the proceeding. Though custodial interrogation for progress of investigation is not necessary, movement of the petitioners require to be restricted in order to prevent commission of similar incident.
3. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Rubel, (2) Mahedur Rahaman, (3) Kalam, (4) Anarul Haque @ Anarul & (5) Lalchan @ Samim Aktar** 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 and on further condition petitioners while on bail shall not enter the jurisdiction of Ratua Police Station except for the purpose of attending court proceeding and provide address where they shall presently residing to the investigating agency and to the trial Court and shall report to the Officer-in-Charge of the police station concerned where they shall presently residing once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)