

21.11.2024

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Allowed

C.R.M. (A) No. 4028 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Sutamata Police Station Case No. 166 of 2024 dated 02.05.2024 under Sections 307/323/325/341/447/506/34 of the Indian Penal Code.

And

In Re : Sk. Maidul @ Sk. Mursed Ali petitioner

Mr. Navanil De
Mr. Subhrajit Dey

.....for the petitioner

Md. Zubair Alam
Ms. Puja Goswami

....for the State

1. Learned Counsel for the petitioner submits victim and his associates outraged modesty of a relation of the petitioner. A commotion ensued. Case and counter case have been registered. Accordingly, he prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner had hit the victim with a spade on the head.

3. We have considered the materials on record. One Sk. Rakesh Ali misbehaved with Arifa Khatun, a relation of the petitioner. Over this issue, a free fight ensued. Sk. Mursed was injured and a criminal case was registered. A counter case alleging assault on Sk. Amadullah has been registered implicating the petitioner. It is possible the petitioner had acted

in a fit of passion during a sudden quarrel owing to outraging of modesty of one of his relations. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest the petitioner shall 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he 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.)