

28.11.2024
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as
[ALLOWED]

C. R. M. (A) 4140 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mothabari Police Station Case No. 482 of 2024 dated 16.08.2024 under Sections 126(2)/118(1)/109(1)/351(2)/3(5) of Bharatiya Nyaya Sanhita, 2023.

In Re: ***Probir Das @ Prabir & Ors.***

... .. Petitioners

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

... .. for the petitioners

Md. Adil Badr,
Mr. Saptarshi Chakraborty.

... .. for the State

Md. Wasim Akram.

.....for the de-facto complainant.

1. Petitioners submit there was dispute amongst co-sharers over ancestral property. Hence, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant submits victim suffered head injury.
4. We have considered the materials on record. Dispute arose amongst co-sharers over ancestral property. Though injury is on a vital part of the body i.e. on the head, the injury report does not show it is a grievous one. There is no chance of abscondence.
5. Under such circumstances, we are inclined to grant bail to them.
6. Accordingly, we direct that in the event of arrest, the petitioners viz., ***1) Probir Das @ Prabir, 2) Tanmoy Das and 3)***

Mrinmoy Das @ Sagar Das 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 the BNSS. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)