

09.12.2024
Sl. No.40
akd
[ALLOWED]

C. R. M. (A) 4153 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 21.11.2024 in connection with Ghatal Police Station Case No.352 of 2024 dated 14.10.2024 under Sections 126(2)/115(3)/109/3(5)/76 of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the POCSO Act.

And

In Re: **Sk. Mohammad Kaif @ Sk. Mohammad Kayum & Ors.**

... .. Petitioners

Mr. Arnab Chatterjee
Mr. Arif Ekbal Molla

... .. for the petitioners

Mr. Sauradeep Dutta
Mr. Himadree Ghosh

... .. for the de-facto complainant

Ms. Zareen N. Khan
Ms. Kanchan Roy

... .. for the State

1. It is submitted on behalf of the petitioners there was a dispute over drainage of water between neighbours. It is further submitted petitioners have been falsely implicated. Accordingly, 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 also opposes the prayer for anticipatory bail.
4. We have considered the materials on record including the statement of the victim. Injury report does not appear to be grievous. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioners, namely **(1) Sk. Mohammad Kaif @ Sk. Mohammad Kayum, (2) Sk. Asif Mohammad @ Mahammad Asif, (3) Sk. Sahidul Islam @ Sk. Mahidul Islam, (4) Sk. Altap Hossen & (5) Aksana Bibi @ Aksana Begum**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner no.1, while on bail, shall not enter the jurisdiction of Ghatal Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Petitioners 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.)