

29.11.2024

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Allowed

C.R.M. (A) No. 4159 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Dhubulia Police Station Case No. 351 of 2024 dated 03.10.2024 under Sections 126(2)/115(2)/118(1)/109(1)/3(5) of the BNS.

And

In Re : Abdul Aziz Shaikh petitioner

Mr. Prabir Majumder

Mr. Snehansu Majumder

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sanjana Saha

..... for the State

1. Learned Counsel for the petitioner submits there was a free fight between the parties and case and counter case were registered. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record including injury report. Though one of the injuries is on a vital part of the body i.e. neck, injuries are not grievous. Possibility of the injuries being caused in the course of a free fight or in exercise of private defense cannot be ruled out. 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, one of whom must be local, 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.)