

11.12.2024
09
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4237 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. 2295/2024 arising out of Uluberia Police Station Case No. 394 of 2024 dated 02.10.2024 under Sections 117(2)/118(2)/324(5)/326(f)/329(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Bapi Khan and Anr.**

... ... Petitioners

Mr. Mritunjay Chatterjee,
Mrs. S. Chakrabarty,
Mr. A. Sarkar.

... ... for the petitioners

Mr. Subhamoy Bhattacharya,
Mr. Raju Mondal.

... ... for the State

1. Petitioners submit they are workers of the jute mill. Their statutory dues were outstanding. At that stage the owners had illegally declared suspension of work and agitation ensued. Subsequently, a number of false criminal cases were registered. They pray for anticipatory bail.

2. Learned Advocate for the State submits petitioners and others formed unlawful assembly, assaulted guards and set fire to the stock of the company.

3. We have considered the materials on record. Petitioners are employees of the jute mill. They contend there were outstanding statutory dues. Without liquidating the dues the management had illegally declared suspension of work and agitation ensued. While prosecution claims petitioners formed

unlawful assembly, assaulted security guards and caused extensive damage to property by fire, petitioners submit the allegation of setting fire to the assets is an afterthought. Be that as it may, allegations against the petitioners are general and omnibus. No specific over act is attributed to them. Possibility of false implication of the employees owing to a labour dispute cannot be ruled out.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Bapi Khan** and **(2) Sk. Masum Ali** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioners while on bail shall not enter the jurisdiction of Uluberia 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.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)