

11.12.2024
Sl. No.21
akd
[ALLOWED]

C. R. M. (A) 4260 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 26.11.2024 in connection with Nanda Kumar Police Station Case No.250 of 2024 dated 10.04.2024 under Sections 341/323/324/325/307/354/506/34 of the Indian Penal Code. (G.R. Case No.1207 of 2024)

And

In Re: **Sk. Tejabul & Anr.**

... .. Petitioners

Mr. Amal Krishna Samanta

... .. for the petitioners

Ms. Faria Hossain
Ms. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioners that they are not the principal accused. It is further submitted petitioners have been falsely implicated. Co-accused have been granted pre-arrest bail. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioners had absconded and proclamation had been issued against them.
3. We have considered the materials on record. A free fight ensued between two families. Injuries were suffered at both ends. One Tahid assaulted the victim resulting in his death. In this backdrop, co-accused have been granted anticipatory bail. Proclamation had been issued against the co-accused as well as the petitioners. Proclamation had been issued without complying statutory requirements. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
4. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Sk. Tejabul & (2) Sk. Hasibul**, 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 petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)