

17.12.2024
Sl. No.13
akd
[ALLOWED]

C. R. M. (A) 4396 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 06.12.2024 in connection with Dhubulia Police Station Case No.427 of 2024 dated 02.12.2024 under Sections 126(2)/117(2)/74/76/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Rono Mallick @ Rana Mallick & Ors.***

... .. Petitioners

Mr. Shibaji Kumar Das

... .. for the petitioners

Mr. Sumanta Das
Mr. Avilash Tripathi

... .. for the de-facto complainant

Mrs. Sukanya Bhattacharya
Ms. Suveni Banerjee

... .. for the State

1. Leave is granted to the learned Advocate-on-record for the petitioners to amend the cause title in course of the day.
2. It is submitted on behalf of the petitioners there is a long standing dispute between the parties. Earlier a criminal case was registered by petitioner no.3 against the relations of the de-facto complainant. Petitioners have been falsely implicated. Accordingly, they pray for anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail.
4. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He submits victim was brutally assaulted by the petitioners.
5. We have considered the materials on record. There is prior enmity between the parties. Earlier a criminal case was registered by

petitioner no.2 against the de-facto complainant's husband. Allegation of outraging modesty is general and omnibus. Injuries do not appear to be grievous. Possibility of false implication cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail however, subject to strict conditions.

6. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Rono Mallick @ Rana Mallick, (2) Ram Mallick & (3) Jui @ Juin Mallick**, 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 petitioner nos.1 and 2 shall meet the Investigating Officer once in a week until further orders. Petitioners 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.)