

17.12.2024
Sl. No.15
akd
[ALLOWED]

C. R. M. (A) 4398 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.12.2024 in connection with Panskura Police Station Case No.664 of 2024 dated 22.08.2024 under Sections 126(2)/115(2)/117(2)/109/74/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.2762 of 2024)

And

In Re: **Abdul Samed Mallik @ Abdul Samad Mallik**
... .. Petitioner

Mr. Sabir Ahmed
Mr. Bhaskar Hutait
Mr. Dhiman Banerjee
Mr. Quazi Ezaz Ahmed
... .. for the petitioner

Mr. Imran Ali
Ms. Puspita Saha
... .. for the State

1. It is submitted on behalf of the petitioner there was a free fight between the parties. It is further submitted petitioner had suffered injuries and was hospitalized. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner is the principal accused. Victim had been hospitalized.
3. We have considered the materials on record. There was a free fight between family members. Petitioner suffered head injury and had been hospitalized. It is possible petitioner had acted in exercise of his right to self-defence. Victim has been released from hospital. Injuries do not appear to be life-threatening. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.
4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Abdul Samed Mallik @ Abdul Samad**

Mallik, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)