

23.12.2024
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Allowed

C.R.M. (A) No. 4543 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Ratua Police Station Case No. 571 of 2024 dated 24.10.2024 under Sections 126(2)/118(1)/117(2)/109/3(5) of the BNS added Sections 3/4 of the Explosive Substances Act.

And

In Re : Jelnur @ Jelnur Bibi & Ors. petitioners

Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray
Mr. Souvik Das
Mr. Saptarshee Pakrashy
Mr. Akbar Laskar

.....for the petitioners

Ms. Z. N. Khan
Mr. Nirupam Dhali

.....for the State

Ms. Sujata Das

..... for the de facto complainant

1. Learned Senior Advocate for the petitioners submits they had lodged a criminal case against the *de facto* complainant. In retaliation the present cases have been registered. They pray for anticipatory bail.

2. Learned Counsel for the *de facto* complainant submits petitioners have prevented him and his associates from entering the village.

3. In view of the aforesaid submissions we directed production of the case diary in the criminal case lodged by the

petitioners i.e. Ratua Police Station Case No.570 of 2024 dated 23.10.2024 in addition to the case diary in the present case.

4. From the materials on record and in light of the submissions made at the Bar we note associates of the *de facto* complainant were implicated in a murder case. Over this issue tension prevailed in the locality. On the fateful day there was a fight between the parties. A criminal case was lodged by the petitioners against the *de facto* complainant and his associates on 23.10.2024. On the next day cases have been registered against them. We have also examined the medical papers which do not disclose life threatening injuries. In light of the aforesaid facts we are of the opinion custodial interrogation may not be necessary but petitioners require to co-operate with investigation in accordance with law.

5. Accordingly, we direct that in the event of arrest the petitioners shall 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date and on further condition that petitioners shall meet the investigating officer once in a week until further orders.

6. Police authorities shall ensure that the *de facto* complainant and other witnesses are able to reside at their residences without disturbance from the petitioners.

7. The application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)