

13.11.2024
Item no.35.
Court No.01.
S. De
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No. 830 of 2024

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Shitalkuchi Police Station Case No.321 of 2024 Dated 08.07.2024 under Sections 126(2), 115(3), 117(2), 74, 109, 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

And

**In the matter of: Abu Bakkar Siddik Miya @ Abubakkar
Chhiddik Miah @ Abubakkar Chhiddik @ Abubakkar
Chhiddik Niyashu & Ors.**

.....Petitioners.

Ms. Suman Sehanabis,
Mr. Salok Sah,
Ms. Anwasha Chakraborty,for the Petitioners.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Sanjiv Das,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners pray for pre-arrest bail. They say that the incident was an outcome of a dispute between two families concerning land. They have no criminal antecedents. They had no intention of harming anybody.
2. The allegations are under various sections of the B.N.S. 2023, corresponding to mainly Sections 326/307/354 IPC.
3. Learned State advocate draws our attention to the material in the case diary. We see from the injury report that the nature of

the injury sustained by the victim is simple. Nobody suffered any serious or grievous injury.

4. On an overall consideration of the facts and circumstances of the case and the nature of the allegations, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as they fully co-operate with the Investigating Officer.

5. Accordingly, in the event of arrest, the petitioners, namely **Abu Bakkar Siddik Miya @ Abubakkar Chhiddik Miah @ Abubakkar Chhiddik @ Abubakkar Chhiddik Niyashu, Labu Miah, Laju Miah, Amina Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner nos. 1, 2 & 3 shall report to the Investigating Officer once in a fortnight till completion of the investigation and petitioner no.4 shall fully co-operate with the Investigation Officer and on further conditions that the petitioners will not leave the jurisdiction of the learned Trial Court until further orders.

6. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being C.R.M. (A) No.830 of 2024 is, thus, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)