

17.02.2025
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Partly
Allowed

CRM (A) No. 499 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with English Bazar Police Station Case No. 1707 of 2024 dated 20.11.2024 under Sections 126(2)/115(2)/117(2)/118(2)/109/351(2)/3(5) of the BNS.

And

In Re : Firoj Momin & Ors. petitioners

Mr. M. Chatterhee
Mrs. S. Chakraborty

..... for the petitioners

Mr. Atif Ahmed Siddiqui

..... for the State

1. Learned Counsel for the petitioners submits there is a land dispute between the parties. All the family members have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. In the FIR grievous assault on the head is attributed to petitioner no.

1. Report shows grievous injuries on the said victim. Possibility of false implication of other petitioners owing to prior enmity cannot be ruled out. Under such circumstances we are not inclined to grant anticipatory bail to petitioner no. 1.

4. Accordingly, prayer for anticipatory bail in so far as petitioner no. 1 concerned is rejected.

5. However, we are inclined to grant anticipatory bail to the petitioner nos. 2 to 6.

6. Accordingly, we direct that in the event of arrest, petitioner nos. 2) Jabrul Momin, 3) Darek Momin, 4) Khairu Momin, 5) Esha Momin and 6) Suknara Bibi 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 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.

7. The application for anticipatory bail in so far as petitioner nos. 2 to 6 concerned is, thus, allowed.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)