

12.03.2025
Item No.3
Ct. No. 26
CHC
Allowed

C.R.M.(A) 861 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023, in connection with **Duttapukur** Police Station Case No. **954** of **2024** dated **26.12.2024** under Sections **126(2)/ 117(2)/ 109/ 74/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023, pending before the Court of Learned Chief Judicial Magistrate, Barasat, North 24 Parganas.

And

In the matter of : Md. Abdul Latif & Ors.

..... petitioners

Mr. Surajit Basu, Advocate
Ms. Jasika Alam, Advocate
....for the petitioners

Mr. Sanjoy Bardhan, Jr. Govt. Advocate
Mr. R. Jana, Advocate
....for the State

1. Leave granted to the learned advocate-on-record for the petitioners to correct cause-title.
2. Petitioners pray for anticipatory bail.
3. Learned advocate appearing for the petitioners submits that, a free fight took place over property disputes.
4. Learned advocate appearing for the State refers to the materials in the Case Diary.
5. One person suffered injury which is not classified as grievous hurt. Injury suffered is cut on the forehead.
6. Injured did not record any statement under Section 180 of the B.N.S.S or under Section 182 thereof.

7. Learned advocate appearing for the State draws the attention of the Court to the fact that, there are criminal antecedents so far as all petitioners are concerned. She submits that, there is a previous police case of assault as against the petitioners.
8. We perused the statement under Section 180 of the BNSS of one of the person claiming to be eyewitness.
9. It appears from such statement that, apparently there was a property dispute pursuant to which, an altercation took place leading to the incident of assault.
10. Considering the nature of the incident and the involvement of the petitioners therein, we grant anticipatory bail to the petitioners.
11. Accordingly, we direct that in the event of arrest the petitioners will 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 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS and petitioner no.1, namely, Md. Abdul Latif, petitioner no.2, namely, Islam Ali, petitioner no.4, namely, Robiul Ali @ Rabiul Ali, petitioner no.5, namely, Abed Ali @ Abed Ali Baidya, petitioner no.6, namely, Rosid Ali @ Rasid Ali Baidya, petitioner no.7, namely, Ohid Ali @ Ohid Ali

Baidya, petitioner no.8, namely, Nehamin Baidya @ Mahaimin Baidya, petitioner no.9, namely, Jahangir Gazi, petitioner no.10, namely, Ali Hossain Mondal @ Ali Hosen Mandal and petitioner no.11, namely, Mohidul Ali @ Mahidul Islam will report before the Investigating Officer once in a week till the conclusion of investigation and petitioner no.3, namely, Samiran Bibi @ Samiron Bibi will cooperate with the Investigating Officer till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure the presence of the petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

12. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)