

13/05/2025

D/L 48

Ct. No.28

S.Kundu

Partly Allowed

C.R.M.(A) 1528 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Harish Chandrapur Police Station case no. 255 of 2025 dated 19.3.2025 under Sections 329(4)/324(4)/117(2)/118(2)/109/3(5) of the BNS.

In the matter of: Mojibur Rahman & Ors.

... Petitioners

Mr. Minoti Gomes

Mr. Asfak Ahmmed

...for the petitioners.

Ms. Shofia Afrin

Mr. Avijit Gope

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. There are case and counter case. There was a fight between two groups of villagers over cultivating a piece of land. Both sides received injuries.
2. Learned counsel appearing for the State relies on the case diary and opposes the prayer for anticipatory bail. She submits that there were injuries of vital parts of the body like head. However, the witnesses have only specifically taken the name of the petitioner no. 1.
3. Considering the materials available in the case diary and the alleged role ascribed to each of the petitioners, I am inclined to reject the prayer for anticipatory bail of the petitioner no. 1. But I am inclined to grant anticipatory bail to the petitioner no. 2 (Israil @ Md Israil) and the petitioner no. 3 (Tasikul Islam).

4. In the event of arrest, the petitioner nos. 2 and 3 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 also be subject to further conditions that the said petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The said petitioners shall meet the I.O once a week till submission of report in final form.
5. Accordingly, the application for anticipatory bail is allowed-in-part.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)