

02.04.2025
Item no. 08.
Court No.1.
S.De
(Allowed)

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

CRM (A) 111 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mathabhanga Police Station Case No. 662 of 2024 Dated 05.09.2024, under Sections 329(2)/324(4)/115(2)/117(2)/303(2)/3(5) of the B.N.S. 2023 read with Section 3 (i) of the SC & ST (Prevention of Atrocities) Act.

And

In the matter of : Rahul Mia @ Miya & Ors.

.....Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul,for the Petitioners.

Mr. Kallol Acharjee,
Ms. Sukanya Adhikary,for the State.

1. The petitioners say that the present complaint is a counterblast to an earlier complaint lodged by the mother of the petitioner no.1. There was an awareness camp organized by the electricity authorities to persuade the consumers of electricity to pay the bills. The petitioners co-operated with the authorities. Other residents of the locality, who were not willing to pay the bills, took up a fight with the petitioners. The petitioners were injured and, accordingly, a criminal

complaint was lodged. On the next day, the present false complaint was lodged.

2. Learned State advocate has drawn to my attention the statement of a witness recorded under Section 164 Cr.P.C./Section 183 B.N.S.S. as also the medical report. The injury suffered by the victim is described as “simple”.
3. On an overall assessment of the material-on-record, I am of the view that immediate custodial detention of the petitioners is not necessary so long as they co-operate with further investigation, if any.
4. Accordingly, in the event of arrest, the petitioners, namely **Rahul Mia @ Miya, Hachen Miah and Safiul Islam @ Miah** 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, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that they shall report to the Investigating Officer once in a fortnight till completion of investigation.
5. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the

Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

6. The application for anticipatory bail, being CRM (A) 111 of 2025, stands disposed of.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)