

CRM(A) 1038 of 2024

20.01.2025

(Bench ID 1472)

(JPD 69)

(S. Banerjee)

(Allowed)

In re: An application under Section 438 of the Code of Criminal Procedure, 1973/ Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Alipurduar Police Station Case No. 490 of 2024 dated 25.11.2024 under Sections 126(2)/117(2)/118/109/351(2)/3(5) of BNS, 2023.

And

In the matter of: Bikash Talukdar & Anr.

...petitioners

Mr. Anirban Banerjee

... for the petitioners

Mr. Ujjwal Luksom
Ms. Namrata Das

... for the State

We have considered the materials on record.

Injury report shows injury is simple.

Whether petitioners intended to murder the victim has to be assessed in light of attending circumstances at the appropriate stage of the proceeding.

Keeping in mind the aforesaid facts, we are of the view that custodial interrogation of the petitioners is not necessary and the petitioners may be granted anticipatory bail.

Accordingly, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 BNSS, 2023.

Petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)