

07.04.2021

Item No.49

Ct.No.28

dc.

Allowed

C.R.M. 639 of 2021

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Rabindra Narayan Roy & Ors.**

... Petitioners.

Mr. Amal Krishna Samanta,
Mr. Subhas Jana

... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

... For the State.

Mr. Suman De,
Mr. Debangshu Ghorai

... For the *de facto* complainant.

Apprehending arrest in connection with Tamluk P.S. Case No. 737 of 2020 dated 19.12.2020 under Sections 447/323/325/307/354/506/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that there is a civil case pending between the petitioners and the *de facto* complainant and the instant case has been initiated to wreak vengeance.

The learned advocate for the *de facto* complainant submits that during the pendency of the proceeding and the injunction order, the petitioners acted in such reckless manner thereby injuring the family members of the *de facto* complainant.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the injury report which is available in the case diary as well as the statements of the witnesses.

Having regard to the materials available in the case diary, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Rabindra Narayan Roy**, 2. **Manabendra Roy**, 3. **Atindra Narayan Roy** and 4. **Anindra Narayan Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet with the Investigating Officer of the case once a week on and from 12.04.2021 until further orders.

The application for anticipatory bail, being CRM 639 of 2021 is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)