

CRM 3607 of 2021

11.06.2021

(Sl. No. 67)

(through Video Conference)

Ct. No. 28

(S. Banerjee/TB)

In re: An application for bail under Section 438 of the Code of Criminal Procedure filed on 27.04.2021 in connection with Palashipara Police Station Case No. 33 of 2021 dated 26.01.2021 under Section 363/365/325/326/307/379/506/34 of the Indian Penal Code, 1860.

And

In the matter of: Narayan Chakraborty & Ors.

...petitioners

Mr. S. Roy
Mr. Arnab Chatterjee

... for the petitioners

Mr. Swapan Banerjee
Mr. Suman Dey

... for the State

Counsel for the petitioners submits that the complain against the petitioners is a result of a land dispute. Admittedly the land belongs to the State and not to the petitioners or the complainants.

Counsel for the State submits by reference to the injury report that the petitioners prima facie appear to have committed offence in question. It is the gravity of the injuries also stressed by the counsel for the State. It is submitted that the petitioner no. 1 has been arrested.

The application is dismissed insofar as the petitioner no. 1 is concerned.

In so far as the 3rd petitioner is concerned, there appears to be no direct allegation against him.

In view of the above and considering the fact that the petitioners are cooperating in the investigation, this court is inclined to grant relief under Section 438 of the Code of Criminal Procedure to the petitioners nos. 2 to 6.

Accordingly, in the event of arrest the petitioners shall be released on bail subject to satisfaction of

conditions under Section 438(2) of the Code of Criminal Procedure and upon furnishing 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 investigating officer, subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where they shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioners shall surrender their passport to the investigating officer and if they do not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)