

28.01.2022

Court No.32
rpan/32

C.R.M. (A) 29 of 2022

[Through Video Conferencing]

In Re:- An application for **anticipatory bail under section 438** of the Code of Criminal Procedure filed in connection with Bolpur Police Station Case No.188 of 2021 dated 02.06.2021 under Sections 341/325/307/506/34 of the Indian Penal Code, 1860;

And

In re: **Rinku Majhi & 2 Others**

- Petitioners

Mr. Saryati Datta,
Mr. Sanjib Kumar Dan
... for the Petitioners.
Mr. Swapan Bajerjee,
Ms. Purnima Ghosh
... for the State.

Heard the learned advocates and considered the materials in the case diary, including the statements of witnesses, as recorded under Section 161 of the Code and the injury report.

Prima facie, no specific overt act has been attributed to the petitioner nos. 1 and 3. Considering the manner in which the offence has taken place and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not warranted. In view thereof, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos.1 and 3 namely, **Rinku Majhi** and **Bhombal Majhi @ Bhola Majhi** 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 subject

to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that they shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioner nos. 1 and 3 shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner nos.1 and 3 fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

However, *prima facie*, we find strong incriminating materials in the case diary against the petitioner no.2 and as such, his prayer for anticipatory bail is refused.

With the aforesaid observations, the application for anticipatory bail, being CRM (A) 29 of 2022 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)