

CRM (A) 1240 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.03.2022 in connection with Kaliganj Police Station Case No. 65 of 2022 dated 31.01.2022 under Sections 447/325/326/354/506/34 of the of the Indian Penal Code.

-And-

In the matter of : **Sannyashi Prosad Roy & Ors.**

... ..Petitioners

Mr. Amanul Islam, Advocate

Mr. Sourav Mukherjee, Advocate

... .. For the Petitioners

Mr. Tanmay Kr. Ghosh, Advocate

Ms. Sonali Bhar, Advocate

... .. For the State

Mr. Dipankar Aditya, Advocate

Mr. Bidyut Baran Biswas, Advocate

Mr. Aloke Chakraborty, Advocate

... .. for the de facto complainant

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the incident arose out of enmity between the private parties.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure and the injury report of the victim.

In the statement recorded under Section 161 of the Code of Criminal Procedure, one of injured states that the petitioner no. 2 assaulted her husband with a sharp cutting weapon and that petitioner no. 4 dealt blows to her abdomen.

Considering the gravity of the offence and the involvement of the petitioner nos. 2 and 4 therein and considering the statement of one of the victims recorded under Section 161 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to petitioner nos. 2 (Mangalmoy Roy @ Mongalmoy Roy) and 4 (Subrata Roy).

However, considering the gravity of the offence and the involvement of petitioner nos. 1 and 3 therein, we are inclined to grant anticipatory bail to the them.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 (Sannyashi Prosad Roy) and 3 (Srimanta 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, 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 condition that the petitioner nos. 1 (Sannyashi Prosad Roy) and 3 (Srimanta Roy), shall appear before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that petitioner nos. 1 (Sannyashi Prosad Roy) and 3 (Srimanta Roy), shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM (A) 1240 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)