

20.11.2023
D/L 29
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4347 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Suti P. S. Case No.477 of 2023 dated 14.08.2023 under Sections 302/506/34 of the Indian Penal Code, 1860, read with Sections 25/27 of Arms Act (G.R. Case No.2088 of 2023).

In the matter of : Sunil Kumar Das

... Petitioner

Mr. Arup Kr. Mondal,
Mr. Sambuddha Mondal

... for the petitioner

Ms. Anasuya Sinha,
Ms. Subhasree Patel

... for the State

Mr. Sandipan Ganguly,
Mr. Ujjal Ray

... for the defacto complainant

1. Heard learned advocates for the parties.
2. From the materials as placed before this court, we find that the informant has specifically named the names of the assailants in the written complaint. From the statements of the witnesses as recorded under Section 161 Cr.P.C. in course of investigation, we find that the witnesses have stated that the present petitioner and his two brothers were making an attempt to remove the deceased and his family members from a brickfield forcibly for which the alleged incident occurred.
3. Though learned advocate for the informant raised vehement objection with regard to the prayer for anticipatory

bail in the present petition on the ground that the present petitioner is the mastermind of the alleged crime, we, *prima facie*, find no material to attract the provision of Section 120B IPC and/or any other material to implicate the present petitioner in the alleged crime. We being the court having determination over bail matter cannot go beyond the CD at least at this stage.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Jangipur, Murshidabad, in G.R. Case No.2088 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:
 - i) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 4347 of 2023 is disposed of.

7. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)