

**24.04.2024**

Item Nos.  
DL-44  
(Allowed)  
with DL-54  
(Rejected)  
with DL- 55  
(Rejected)  
Court No.29  
(AD)

**C.R.M. (A) 912 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kultali** Police Station Case No.**463 of 2023** dated **09.07.2023** under Sections **302/34** of the Indian Penal Code, 1860 and adding Sections **325/326/307** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate at Baruipur, District- South 24 Parganas. (G.R. Case No.3945 of 2023).

And

In the matter of: **Sachindranath Tarafder @ Sachin Tarafder**  
....petitioner.

Mr. Gouranga Kumar Das

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP

Ms. Sonali Bhar

... for the State.

With

**C.R.M. (A) 1341 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kultali** Police Station Case No.**463 of 2023** dated **09.07.2023** under Sections **302/34** of the Indian Penal Code, 1860 and adding Sections **325/326/307** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate at Baruipur, District- South 24 Parganas. (G.R. Case No.3945 of 2023).

And

In the matter of: **Dipasan Mondal & Ors.**

....petitioners.

Mr. Gouranga Kumar Das

...for the petitioners.

Mr. Suman De

Ms. Suveni Banerjee

... for the State.

With

**C.R.M. (A) 1359 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kultali** Police Station Case No.**463 of 2023** dated **09.07.2023** under Sections **302/34** of the Indian Penal Code, 1860 and after adding Sections **325/326/307** of the Indian Penal Code, presently pending before the Learned Additional Chief Judicial Magistrate, Baruipur, District- South 24 Parganas. (G.R. Case No.3945 of 2023).

And

In the matter of: **Durgapada Mahaldar & Anr.**

....petitioners.

Mr. Samiran Mandal  
Mr. Abhinaba Dan

...for the petitioners.

Mr. Suman De  
Ms. Kanchan Roy

... for the State.

1. Three applications for anticipatory bail are taken up for analogous hearing as they emanating out of the same police case.
2. So far as C.R.M. (A) 912 of 2024 is concerned, we called for a report from the State by our order dated March 20, 2024 finding an allegation that, the petitioner therein was engaged in polling duty.
3. Report as called for by the order dated March 20, 2024 passed in C.R.M. (A) 912 of 2024 is taken on record.
4. That report confirms that, petitioner in CRM (A) 912 of 2024 was engaged in polling duty at a different location. Therefore, petitioner in CRM (A) 912 of 2024 was not at the place and the time of occurrence. The incident of assault led to the murder of a person.
5. Consequently, we grant anticipatory bail to the petitioner in CRM (A) 912 of 2024.
6. Accordingly, we direct that in the event of arrest, the petitioner in CRM (A) 912 of 2024 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 in CRM (A) 912 of 2024 will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner in CRM (A) 912 of 2024 shall

appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in CRM (A) 912 of 2024 in Court including cancelling the anticipatory bail granted without further reference to this Court.

7. Accordingly, the prayer for anticipatory bail of the petitioner in CRM (A) 912 of 2024 is allowed.
8. **C.R.M. (A) 912 of 2024** is, thus, disposed of.
9. So far as the other petitioners in CRM (A) 1341 of 2024 and CRM (A) 1359 of 2024 are concerned, we find from the materials in the case diary that, all the eye-witnesses to the incident places these petitioners at the time and place of occurrence and attributes active role to them so far as the murder of the victim is concerned.
10. Considering the gravity of the offence and the involvement of such petitioners, we are unable to grant anticipatory bail to them.
11. Accordingly, the prayer for anticipatory bail of the petitioners in CRM (A) 1341 of 2024 and CRM (A) 1359 of 2024 is rejected.
12. **CRM (A) 1341 of 2024** and **CRM (A) 1359 of 2024** are dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**