

15.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1271 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Md. Bazar Police Station Case No. 41 of 2024 dated 11.02.2024 under Sections 341/323/234/325/326/307/506/34 of the Indian Penal Code, 1860 pending before the learned Sessions Judge, Birbhum at Suri.

And

In Re : Papu Bagdi petitioner

Mr. Samim Ahammed
Mr. Arnab Sinha
Ms. Gulsanwara Pervin
Mr. Arka Ranjan Bhattacharya
....for the petitioner

Mr. Kaushik Kundu
Mr. Akash Ganguly
....for the State

1. Petitioner contends he had protested against illegal sand mining in Mayurakshi river. A commotion ensued in the locality. Petitioner had suffered injury in course of the commotion. Accordingly he prays for anticipatory bail.
2. Learned Lawyer for the State submits victim had been physically assaulted and was hospitalized.
3. We have considered the materials on record. Petitioner contends local people had protested against illegal sand mining. In the commotion, petitioner was assaulted and suffered injury. Allegations against him are general and omnibus. Implication of the petitioner due to the

leadership given by him against illegal sand mining in the locality cannot be ignored.

4. Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary but petitioner is required to cooperate with the investigation.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition petitioner will cooperate with the investigation.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)