

24.04.2024
Item No.11
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1419 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **255** of **2024** dated **12.04.2024** under Sections **448/323/376/511/509** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In the matter of : Subal Chandra Pal @ Subal Pal

..... petitioner

Mr. Soumyajit Das Mahapatra,
Mr. Abdul Aziz Mondal

....for the petitioner

Mr. Sanjoy Bardhan,
Ms. Afreen Begum

....for the State

Mr. Asraf Mandal

....for the de facto complainant

De facto complainant represented.

Petitioner claims that he was falsely implicated.

Petitioner relies upon a copy of mass petition dated March 29, 2024 where, the petitioner is first signatory. Such mass petition relates to an attempt by the de facto complainant and her family members to grab the property belonging to the Public Works Department.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary including statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code. He also refers to the statement of the son of the de facto complainant under Section 164 of the Criminal Procedure Code.

Possibility of false implication cannot be ruled out. There is a mass petition prior in point of time to the police complaint with regard to attempt made by the de facto complainant and her family members to grab the property belonging to the Public Works Department.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioner 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 Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1419 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)