

10.05.2024

DL-1
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1603 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **152 of 2024** dated **17.03.2024** under Sections **448/323/325/376/511/34** of the Indian Penal Code, 1860, pending before the Learned Chief Judicial Magistrate at Berhampore, Murshidabad. (G.R. Case No.1298 of 2024).

And

In the matter of: **Lalu Biswas @ Mehidi Masud Biswas & Ors.**

....petitioners.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

...for the petitioners.

Mr. Tanmoy Kumar Ghosh
Mr. Atulya Sinha

... for the State.

Mr. Sujoy Sarkar
Mr. Prasun Mukherjee
Mr. Anisur Rahaman
Mr. Binoy Shaw

... for the de facto complainant.

1. Apparently, an incident of physical assault took place when, the petitioners tried to encroach upon land belonging to the de facto complainant as also land belonging to the State.
2. At the request of the Court, learned Advocate appearing for the State submits on instructions and on the basis of a report, which be taken on record that, the encroachment on public property does not exist as on date.
3. De facto complainant is represented.
4. Injuries suffered in the incident of assault are not of such grievous nature. Issue of attempt of rape in an incident of assault, may be decided at the trial.
5. State will communicate this order to the concerned District Magistrate who will take expeditious measures to ensure that no encroachment of public property takes place at all in the

vicinity.

6. In such circumstances, we grant anticipatory bail to the petitioners.
7. Accordingly, we direct that in the event of arrest, the petitioners 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 petitioners will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. **C.R.M. (A) 1603 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)