

20.06.2024
Court No.29
Item No. 14

Allowed

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CRM (A) 1902 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangajal Ghati Police Station Case No. 36 of 2024 dated 01.04.2024 under Sections 341/448/323/324/325/326/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate at Bankura.

And

In Re: **Balai Ghosh & Anr.**

Petitioners

Mr. Soumik Ganguli

For the Petitioner

Mr. Suman De
Mr. Dipankar Mahata

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case. It is further submitted that the dispute is arising out of a civil dispute by and between the parties.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the injury report and the statement of the injured recorded under Section 161 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the nature of injury and the statement of the injured recorded under section 161 of the Code of Criminal Procedure, we are of the view that custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Balai Ghosh and Jharna Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner no.1 shall meet the I.O. once in a week or as and when required till the submission of the final report. The petitioners shall appear before the learned Trial Court within two weeks from date and the petitioners shall not leave the jurisdiction of jurisdictional Court without the leave of learned Additional Chief Judicial Magistrate at Bankura in GR Case No. 459 of 2024 till the submission of final report, failing which, it would be open for the learned Trial Court to cancel the bail without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. CRM (A) 1902 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)