

24.06.2024

Court No.29

Item No. 30

Allowed

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CRM (A) 1952 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Murarai Police Station Case No. 44 of 2024 dated 29.02.2024 corresponding to G.R Case No. 308 of 2024 under Sections 323/326/307/34 of the Indian Penal Code.

And

In Re: **Belu Rajbanshi**

Petitioner

Mr. Bitasok Banerjee

For the Petitioner

Mr. P.K. Datta

Syed Najimul Islam

For the State

1. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. There has been long standing village rivalry between the petitioner and the de-facto complainant due to previous grudge and a false complaint has been filed.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary and the injury report.
3. Considering the materials available in the case diary, the nature of the injury, the involvement of the petitioner in the commission of the alleged offence and the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Belu Rajbanshi** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to

comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum corresponding to G.R. Case No. 308 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)