

27.06.2024
Court No.29
Item No. 21

Allowed

sg

CRM (A) 1993 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 312/2024 dated 06.04.2024 under Sections 341/324/307/379/506/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Purba Medinipur at Tamluk.

And

In Re: **Sk. Firdaus @ Sk. Firdous & Anr.**

Petitioners

Mr. Swapan Kumar Mallick
Mr. Abhinaba Mukherjee

For the Petitioners

Mr. Sanjoy Bardhan
Ms. Suchismita Dutta

For the State

1. The learned Counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the instant case. It is further submitted that the co-accused persons similarly placed as that of the present petitioners have been granted anticipatory bail by the learned trial court. It is submitted that there is case and counter case between the parties and there is an existing boundary dispute between the parties.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the injured as well as the medical report.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioners in the commission of alleged offence and the very fact that the accused persons similarly placed as that of the present

petitioners have been granted anticipatory bail by the learned trial court, 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 petitioners namely, **Sk. Firdaus @ Sk. Firdous and Sk. Sahalam**, 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 petitioners shall meet the I.O. once in a week till the submission of final report. The petitioners shall appear before the learned Trial Court within two weeks from date and shall not leave the jurisdiction of Police Station Tamluk without the expressed leave of the learned Chief Judicial Magistrate, Purba Medinipur. In the event of non-compliance of any of the above conditions, 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 petitioner is allowed.
6. CRM (A) 1993 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.)