

02.07.2024
SL No. 21
Court No.29
Sourav/
Suvayan

CRM (A) 2022 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with **Murshidabad** Police Station Case No. **73** of **2024** dated **01.02.2024** under Sections **302/120B/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act.

And

In the matter of : **Shankar Roy @ Sankar Roy & Ors.**
...petitioners.

Mr. Navanil De
Mr. Srinjan Ghosh
Ms. Monami Mukherjee
....for the petitioners.

Mr. Md. Abdur Rakib
Mr. Biswajit Sarkar
... for the de facto complainant.

Ms. Amita Gour
Mr. Subhasish Datta
... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer as referred to the statement of the eyewitnesses recorded under Section 161 Cr.P.C and also under Section 164 Cr.P.C. It is submitted that in one of the statements recorded under Section 164 Cr.P.C., the presence of one of the petitioners has been duly mentioned.
3. Considering the materials available in the case diary, the nature of complicity of the petitioners in the commission of alleged offence and also having regard to all the witnesses

have named Rathin Roy, Ratan Roy and Tapan Roy as the main assailants and not the petitioners and also having regard to the fact that charge-sheet has already been filed. In view thereof, we are inclined to grant anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Shankar Roy @ Sankar Roy, Hiralal Roy** and **Shymacharan Roy** 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad in connection with Murshidabad Police Station Case No. 73 of 2024 within two weeks from date and pray for regular bail.
5. It is further directed that the petitioners shall appear each and every date of hearing 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.
6. Accordingly, the application for anticipatory bail being **CRM (A) 2022 of 2024** is disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)