

02.07.2024  
Court No.29  
Item No. 41

Partly Allowed

sg

CRM (A) 2043 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. 461 of 2024 dated 20.05.2024 under Sections 448/323/325/326/307/354B/379/506/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Tamluk, Purba Medinipore.

And

In Re: **Dibyendu Samanta @ Dipendu Samanta & Ors.**  
Petitioners

Mr. A. Ghosh  
Mr. A. Santra

For the Petitioners

Mr. Rudradiptya Nandy  
Mr. Rahul Ganguly

For the State

Ms. Amit Ranjan Pati  
Ms. Swastika Chowdhury

For the defacto complainant

1. The learned Counsel for the petitioners submits that the petitioners are innocent and due to case and counter case between the parties, they have been falsely implicated. It is further submitted that due to free fight between the neighbours, the injury has also been sustained by the petitioners. It is, however, submitted that the petitioner no.2 has been arrested during the pendency of this application and accordingly, the application for anticipatory bail as against the petitioner no.2 is not pressed.
2. The learned Counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail. It is submitted that the petitioners have

criminal antecedent and the injury sustained by the de-facto complainant and his family members are grievous in nature.

3. The learned counsel for the State has referred to the statement of the injured and the neighbours recorded under Section 161 of the Code of Criminal Procedure as well as the injury report.
4. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of alleged offence, the statement of the injured and the other witnesses recorded under section 161 Cr.P.C., the nature of injury suffered, we reject the application for anticipatory bail as against the petitioner no.1 namely, **Dibyendu Samanta @ Dipendu Samanta**. However, we are of the view that custodial interrogation of the petitioner nos. 3 to 7 is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner nos. 3 to 7 namely, **Suwendu Samanta @ Shubhendu Samanta, Mamoni Samanta, Susanta Samanta, Prasanta Samanta and Anita Samanta**, 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 condition that the petitioner nos. 3 to 7 shall meet the I.O. once in a week till the submission of the final report. The petitioner nos. 3 to 7 shall remain outside the jurisdiction of Tamluk Police Station and shall not enter the said jurisdiction except for the purpose of meeting the I.O. or for attending school or office and shall not intimidate the witnesses and subject to further conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner nos. 3 to 7 shall appear before the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur in G.R. No. 1759/2024 within two weeks from date. The petitioner nos. 3 to 7

shall furnish particulars of the place where the said petitioners shall be residing in terms of this order with the officer-in-charge of Tamluk Police Station as well as the officer-in-charge of the police station where they will be residing till the submission of the final report.

6. Accordingly, the prayer for anticipatory bail of the petitioner no. 1 is rejected. The prayer for anticipatory bail of the petitioner no.2 is not pressed. The prayer for anticipatory bail of the petitioner nos. 3 to 7 is allowed.
7. CRM (A) 2043 of 2024 is, thus, disposed of.
8. 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.)**