

26.06.2024
SL No.2
Court No.29
(gc)
(Allowed)

CRM (A) 2047 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Tehatta Police Station Case No.357 of 2024 dated 16.05.2024 under Sections 448/323/376/511/506/34 of the Indian Penal Code.

And

In the matter of : **Chiranjit Majumder @ Sujan**

- Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee

....For the Petitioner.

Mr. Saibal Bapuli,
Mr. Saibal Dasgupta

... For the State.

1. This matter is placed by the department for correction of the order dated 21st June, 2024.
2. On 21st June, 2024, we passed the following order:-

*"In Re: **Ram Ayodhya Prasad***

Petitioner

Mr. Amanul Islam

Mr. Sourav Mukherjee

For the Petitioner

Mr. Bibaswan Bhattacharya

For the State

1. *The learned Counsel for the State has prayed for an adjournment in order to enable him to produce the statement recorded under Section 164 of the Code of Criminal Procedure.*
2. *The matter stands adjourned till 25th June, 2024.*
3. *No coercive step shall be taken against the petitioner in the meantime."*

3. However, this order should have been transcribed under **“In Re: Chiranjit Majumder @ Sujan”**.
4. Accordingly, the order wrongly transcribed on 21st June, 2024 in CRM (A) 2047 of 2024 stands recalled and replaced by the order stated above.
5. In spite of service, the de facto complainant is not represented.
6. Affidavit of service filed in Court is taken on record.
7. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated and in view of the land dispute between the parties, a false complaint has been lodged against the petitioner.
8. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 of the Cr.P.C. and the medical report.
9. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Cr.P.C., medical report and the nature and extent of complicity of the petitioner in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioner is not necessary.
10. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Chiranjit Majumder @ Sujan**, 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, 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 petitioner shall meet the Investigating Officer once in a week till the submission of the final report and shall remain outside the jurisdiction of Tehatta Police Station till the submission of the final report. However, the petitioner shall be permitted to enter the jurisdiction of Tehatta Police Station only for the purpose of meeting the Investigating Officer till the submission of the final report.

11. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate at Tehatta, Nadia in connection with S.L. No.277 of 2024 and pray for regular bail within two weeks from date.
12. It is also directed that the petitioner shall inform the Investigating Officer the place where he shall presently reside in view of this order with all necessary particulars.
13. Accordingly, the application for anticipatory bail is disposed of.
14. 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.)