

04.07.2024
SL No.26
Court No.29
TN

CRM (A) 2105 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nakshipara Police Station Case No.152 of 2024 dated 17.02.2024 under Sections 447/325/326/307/34 of the Indian Penal Code.

And

In the matter of : **Rabindranath @ Rabi Biswas and others.**

- petitioners.

Mr. Amanul Islam,
Mr. Sourav Mukherjee

....for the petitioners.

Mr. Subrata Roy,
Mr. Dipankar Mahata

... for the State.

1. The learned counsel for the petitioners submits that they are innocent and due to free fight between the neighbours, the petitioners have suffered injury. The *de facto* complainant has made a false complaint against the petitioners.
2. The learned counsel for the State in opposing the prayer has referred to the statement of the injured as also the injury report.
3. Considering the materials available in the case diary, the statement of the injured and the injury report which shows that the injury suffered is grievous in nature and also nature of involvement of the petitioners in the commission of the alleged offence, the prayer for anticipatory bail of the petitioner no.1 is rejected and the prayer in respect of petitioner nos. 2, 3 and 4 is allowed.
4. Accordingly, we direct that in the event of arrest, the petitioner nos. 2, 3 and 4, namely, **Prasenjit Biswas,**

Madhumita @ Sharmila Biswas and Debashree @ Arpita

Biswas 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.

5. It is further directed that the present accused petitioner nos.2, 3 and 4 shall appear before the learned Chief Judicial Magistrate, Nadia at Krishnagar in connection with GR Case No. 1850 of 2024 within two weeks from date and pray for regular bail.
6. It is further directed that the petitioner nos.2, 3 and 4 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 presence of the petitioner nos.2, 3 and 4 in court including cancelling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)