

04.07.2024
Court No.29
Item No. 40

Allowed

sg

CRM (A) 2119 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 52 of 2024 dated 16.03.2024 under Sections 341/323/324/325/307/506/34 of the Indian Penal Code and charge sheet filed under Sections 341/323/307/506/34 IPC, pending before the learned Additional Chief Judicial Magistrate, Buniadpur, Dakshin Dinajpur.

And

In Re: **Suto Roy @ Satu Roy & Anr.**

Petitioners

Ms. Jeenia Rudra

For the Petitioners

Mr. Madhusudan Sur, APP

Mr. Shiladitya Banerjee

For the State

1. The learned Counsel for the petitioners submits that there is case and counter-case between the parties and the petitioners are innocent and they have been implicated in the instant case. The petitioners alleged false implication in order to harass the petitioners.
2. The learned Counsel for the State opposes the prayer for the anticipatory bail.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the nature of injury as also the statement of the victim and also having regard to the fact that the charge sheet has already been filed, 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 petitioner namely, **Suto Roy @ Satu Roy and Nabani Roy @ Nabali Barman**, 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 learned Additional Chief Judicial Magistrate, Buniadpur, Dakshin Dinajpur, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that they shall appear before the trial court within two weeks from date and thereafter, on each and every date of hearing until further orders.

5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 2119 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.)