

05.07.2024

Court No.29

Item No. 58

Allowed

gd/ssd

CRM (A) 2180 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No.84 of 2024 dated 15.02.2024 under Sections 302/120B of the Indian Penal Code.

And

In Re: **Abhijit Das Bairagya.**

...Petitioner

Mr. Asraf Mandal

For the Petitioner

Mr. Madhusudan Sur

Ms. Ratna Ghosh

For the State

1. Learned counsel for the petitioner states that the petitioner has been falsely implicated and other co-accused persons similarly placed have been granted regular bail by different coordinate Benches. It is further submitted that the principal accused, namely, Barnali Chakraborty (Chatterjee) was granted regular bail on 10th June, 2024.
2. Charge-sheet has already been filed.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the other co-accused persons were enlarged on bail.
4. Considering the materials available in the case diary and having regard to the fact that the petitioner may not be in station when the alleged offence was taken place and also having regard to the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Abhijit Das Bairagya** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and shall not leave the jurisdiction of district Nadia without the permission of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia till the submission of the final report. The petitioner shall also appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in connection with S.L.No.306 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail of the petitioner shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. 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)