

08.07.2024
SL No.28
Court No.29
(gc)
(Allowed)

CRM (A) 2210 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chanchal Police Station Case No.222 of 2024 dated 10.03.2024 under Sections 341/323/354/326/307/34 of the Indian Penal Code.

And

In the matter of : **Jayanta Ghosh @ Jayanta Priya Ghosh**

- Petitioner.

Mr. B. Bhattacharya,
Mr. A. Islam,
Mr. S. Mukherjee,
Mr. S. Pakrashi

....For the Petitioner.

Mr. Binoy Kumar Panda,
Ms. Srilekha Chattopadhyay

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and due to dispute between the two neighbours, odd altercation took place and a false complaint has been lodged against the petitioner. It is further submitted that Dipak Ghosh, one of the co-accused has been recently enlarged on bail by the learned trial court.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the witnesses recorded under Section 161 of the Cr.P.C. and the statement of the injured as well as the injury report.
3. Considering the materials available in the case diary, which, prima facie, do not disclose any particular role ascribed to the

petitioner in relation to the alleged offence and having regard to the fact that one of the co-accused is already on bail, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jayanta Ghosh @ Jayanta Priya Ghosh** 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. It is also directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case No.580 of 2024 and pray for regular bail within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)