

08.07.2024
Court No.29
Item No. 22

Allowed

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CRM (A) 2204 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with A.J.C. Bose Botanic Garden Police Station Case No. 27 of 2024 dated 11.02.2024 under Sections 323/341/342/420/406/506/149/120B/34 of the Indian Penal Code and section 25/27 of the Arms Act, pending before the learned Chief Judicial Magistrate, Howrah.

And

In Re: **Sajalkanti Jana @ Sajal Kanti Jana @ Ratan Kanti Jana & Ors.**
Petitioners

Mr. Sourav Chatterjee
Mr. Aditya Tiwari
Mr. Karan Prasad

For the Petitioners

Mr. Debabrata Chatterjee
Mr. Asif Dewan

For the State

Mr. Dilip Kr. Mukherjee

For the de-facto complainant

1. The learned Counsel for the petitioners submits that the petitioners have been falsely implicated. The petitioner nos. 1 and 2 are witnesses to an agreement between the defacto complainant and Nayab Mojid Solkar in relation to the settlement of accounts of business transaction between them.
2. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
3. The learned Counsel for the de-facto complainant also opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary, the statement of the witnesses as revealed from the case diary which does not apparently show

that the persons present during such negotiation and alleged settlement carried in arms and prima facie it appears that the dispute is with regard to settlement of accounts arising out of business transaction between the de-facto complainant and Nayab Mojid Solkar that that the petitioner no.3 is not even a witness to the said transaction, we are of the view that the custodial interrogation of the present petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest the petitioners namely, **Sajalkanti Jana @ Sajal Kanti Jana @ Ratan Kanti Jana, Bimal Kumar Barik @ Bimal Barik @ Gora @ Bimal Kr. Barik and Pintu Patra @ Pinu**, 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 Arresting Office, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioners shall meet the I.O. once in a week till the submission of final report and shall appear before the learned Chief Judicial Magistrate, Howrah, in connection with G.R. Case No. 786 of 2024 within two weeks from date and thereafter shall appear on each and every date of hearing and.
6. In the event they fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. CRM (A) 2204 of 2024 is, thus, disposed of.
9. 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.)