

11.07.2024  
Court No.29  
Item No. 47

Allowed

sg

### CRM (A) 2347 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 400 of 2022 dated 28.05.2022 under Sections 341/323/325/308/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Sunil Majhi & Ors.**

Petitioners

Mr. Arup Kumar Bhowmick

For the Petitioners

Ms. Amita Gour

Mrs. Rituparna Saha

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case. A false complainant was lodged due to previous grudge.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has produced the case diary which contains the injury report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of alleged offence as revealed from the case diary and having regard to the fact that 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 petitioners namely, **Sunil Majhi, Debashis Majhi @ Deba and Shefali Majhi @ Sefali**, 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

Chief Judicial Magistrate at Malda, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioners shall appear before the trial court on each and every date of hearing until further orders.

5. In the event the 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 any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2347 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.)**