

15.07.2024
Court No.29
Item No. 18

Allowed

sg

CRM (A) 2367 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, in connection with Nalhati Police Station Case No. 129 of 2024 dated 27.03.2024 under Sections 448/325/307/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In Re: **Dipjal Sha & Ors.**

Petitioners

Mr. Rajendra Banerjee

For the Petitioners

Mr. Bidyut Kumar Roy
Ms. Puspita Saha

For the State

1. The learned Counsel for the petitioners submits that there is a dispute between the parties and due to case and counter case, a false allegation has been made against the present petitioners. In fact, there was a free fight between the parties and both the sides have received injury.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has produced the case diary.
3. Considering the materials available in the case diary and the nature and extent of involvement of the present petitioners in the commission of the alleged offence and also it appears that the immediate cause of death is an assault by the stick by one Nawbahar Sah, we are of the view that the custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners namely, **Dipjal Sha, Sujal Sha, Iyajul Sha, Majula Sha, Abul Hasan Sha @ Hosan Sha, Sainal Sha and Jaserauddin Sha**, 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 Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioners shall meet the I.O. once in a week till the submission of the final report. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, in connection with G.R. Case No. 453 of 2024 within two weeks from date.
5. In the event the petitioners fail to comply with any of the conditions as mentioned hereinabove, 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) 2367 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.)