

24.07.2024
Court No.29
Item No. 9

Allowed

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CRM (A) 2428 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Baishnabnagar Police Station Case No. 868 of 2023 dated 02.12.2023 under Sections 448/341/323/325/307/354/427/34 of the Indian Penal Code and Section 3/4 of the E.S. Act, pending before the learned Chief Judicial Magistrate, Malda.

And

In Re: **Biplab Ghosh & Ors.**

Petitioners

Mr. Mrityunjoy Chatterjee
Mr. Akash Sankar

For the Petitioners

Mr. Subrata Roy
Mr. Prakash Mishra

For the State

1. The learned Counsel for the petitioners submits that the dispute arose with regard to parking of a motor bike near the place of residence of the de-facto complainant and the petitioners have been falsely implicated in the instant case. It is submitted that there has been a long standing dispute between the parties and as a result whereof, this false complaint has been lodged.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary and the statement of the victim.
3. Considering the materials available in the case diary, the statement of the victim and the nature of injury sustained, 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, **Biplab Ghosh, Mongal Ghosh, Bhola Ghosh and Tonik Ghosh**, 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 on condition that the petitioners shall meet the I.O. once in a week. The petitioners shall stay outside the jurisdiction Baishnabnagar Police Station and shall provide the addresses where they will stay, to the I.O. The petitioners shall not enter the jurisdiction of Baishnabnagar Police Station except for the purpose of meeting the I.O. and attending the court proceedings till the submission of final report. The petitioners shall appear before the learned Chief Judicial Magistrate, Malda, in connection with G.R. Case No. 8246 of 2023 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 automatically without any reference to this court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2428 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.)