

22.07.2024
SL No.29
Court No.29
(gc)
(Allowed)

CRM (A) 2434 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Gazole Police Station Case No.351 of 2024 dated 12.05.2024 under Sections 341/323/307/379/34 of the Indian Penal Code.

And

In the matter of : **Rohit Saha & Ors.**

- Petitioners.

Mr. Avinaba Patra

....For the Petitioners.

Mr. Binoy Panda,

Ms. Purnima Ghosh

... For the State.

1. The learned Counsel for the petitioners submits that due to rivalry, a false complaint has been lodged against the petitioners.
2. The learned Counsel for the State has produced the case diary.
3. Considering the materials available in the case diary, it appears that the injured were intoxicated and the possibility of altercation between the two groups who are not in the normal frame of mind has resulted in injuries during altercation, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Rohit Saha, Santu Das, Mahadav Gupta @ Rajib** and **Surojit Saha**, 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 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 petitioners shall meet the Investigating Officer once in a week till the submission of the final report and shall appear before the learned Chief Judicial Magistrate at Malda in connection with G.R. Case No.3080 of 2024 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.)