

24.07.2024
SL No.25
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2454 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure read with Section 482 of BNSS, 2023 filed in connection with Dubrajpur Police Station Case No.110 of 2024, dated 13.04.2024 under Sections 323/325/326/354/307/34 of the Indian Penal Code.

And

In the matter of : **Anath Das & Ors.**

- Petitioners.

Mr. Kunal Ganguly

....For the Petitioners.

Mr. Prabas Bhattacharya,

Mr. Subhajit Chowdhury,

... For the State.

1. The learned Counsel for the petitioners submits that due to boundary dispute, free fight took place between the parties and case and counter-case was registered.
2. The learned Counsel for the State has produced the case diary, the statement of the victim and the injury report.
3. Considering the materials available in the case diary, the statement of the victim which directly implicates the petitioner nos.1 and 3 with physical assault that has resulted in a grievous injury, we are not inclined to grant anticipatory bail to the petitioner nos.1 and 3. Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 3 is rejected.
4. However, considering the role of the petitioner no.2 in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioner no.2 is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Apurba Das @ Mithu Das**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner no.2 shall meet the I.O. once in a week till the submission of the final report and shall not enter the jurisdiction of the Police Station Dubrajpur except for the purpose of meeting the I.O. and attending the Court.

6. It is further directed that the petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Dubrajpur, Birbhum in connection with G.R. Case No.217 of 2024 within two weeks from date.
7. It is further directed that the petitioner no.2 shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)