

24.07.2024

Court No.29

Item No. 40

**Partly
Allowed**

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CRM (A) 2475 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Satahata Police Station Case No. 182 of 2024 dated 10.05.2024 under Sections 447/341/325/307/354/506/34 of the Indian Penal Code.

And

In Re: **Laxman Das & Ors.**

Petitioners

Mr. S. Kundu

Mr. Amit Kumar Ghosh

For the Petitioners

Mr. Anwar Hossain

Mr. Ratul Ghosh

For the State

1. Learned counsel for the petitioners submits that due to old rivalry the petitioners have been falsely implicated in the instant case. There is a dispute with regard to the electricity connection to the premises of the petitioner.
2. Learned counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and taking into consideration the statement of the witnesses recorded under Section 161 Cr.P.C and the injury report, we are of the view that custodial interrogation of the **petitioner no. 2, Ram Das** is not necessary. However, the prayer for anticipatory bail against the **petitioner no. 1, Laxman Das** stands rejected. During the pendency of this application the **petitioner no.3, Rabi Lal Das** has already been arrested. Learned

counsel for the petitioners, therefore, submits that **the petitioner no. 3** is not willing to press this application for anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the **petitioner no. 2, Ram 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner no. 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and on further condition that the **petitioner no. 2** shall appear before the learned Additional Chief Judicial Magistrate-11, Haldia, Purba Medinipur in connection with Satahata Police Station Case No. 182 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the **petitioner no. 2** is allowed, the prayer for anticipatory bail of the **petitioner no. 1** stands rejected, the prayer for anticipatory bail of the **petitioner no. 3** stands dismissed as not pressed and the application is accordingly disposed of.
6. 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)

