

27.08.2024
SL No.14
Court No.29
(gc)
(Allowed)

CRM (A) 2505 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Tamluk Police Station Case No.523 of 2024 dated 17.06.2024 under Sections 448/354B/376D of the Indian Penal Code.

And

In the matter of : **Sri Ganesh Mahapatra & Ors.**

- Petitioners.

Mr. Swapan Kumar Mallick,

Mr. Abhinaba Mukherjee,

....For the Petitioners.

Ms. Zareen N. Khan,

Mr. Tirthankar Dhali

... For the State.

Mr. Shamik Bagchi

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail.
3. Regard being had to the materials on record, the statement of the victim and the medical examination report which, prima facie, does not corroborate with the statement recorded under Section 164 Cr.P.C. and also having regard to the nature of injury, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Ganesh Mahapatra, Lakshmikanta Mahapatra** and **Sabuj Mahapatra**, 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 corresponding to Section 482(2) of the BNSS, 2023. It is directed that the petitioners shall meet the I.O. once in a week till the submission of the final report.

5. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate at Tamluk, Purba Medinipur in connection with G.R. Case No.2074 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)