

05.08.2024

Court No.29

Item No. 16

Allowed

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CRM (A) 2545 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 in connection with Bhabanipur Police Station Case No. 170 of 2024 dated 22.06.2024 corresponding to G.R Case No. 1494 of 2024 under Sections 307/323/325/341/34 of the Indian Penal Code.

And

In Re: Sabita Das & Ors.

Petitioners

Mr. Navanil De

Mr.Subhrajit De

For the Petitioners

Mr. Joydeep Roy, Jr. Govt. Adv

Ms. Baishakhi Chatterjee

For the State

1. Learned counsel for the petitioners submits that due to land dispute the petitioners have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has produced the case diary, injury report, C.T. Scan report and the statement of the injured.
3. Considering the materials available in the case diary and prima facie it appears to be the dispute over the demarcation of land between two neighbours and all the co-accused persons ultimately members of one family and having regard to the nature of injury sustained by the victim, 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,
Sabita Das, Kalyani Das, Manasi Dolai @ Manasi Dolai Das, Astami Das, Manju Das @ Manju Bala Das and Kulbala Das @ Kulbalal Das

@ **Kul Bala Das** 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, 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 petitioners shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate-II, Haldia at Purba Medinapore within two weeks from date in connection with G.R Case No. 1494 of 2024. 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 petitioners is allowed and the same 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)