

30.07.2024

Court No.29

Item No. 89

Allowed

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CRM (A) 2548 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 534 of 2024 dated 30.05.2024 corresponding to G.R Case No. 1154 of 2024 under Sections 448/323/325/307/354/379/34 of the Indian Penal Code.

And

In Re: Chinmoy Das & Ors.

Petitioners

Ms. Minoti Gomes

For the Petitioners

Mr. Imran Ali

Mr. Mirza Firoj Ahmed Begg

For the State

1. Learned counsel for the petitioners submits that the petitioners are neighbours and due to dispute between two families the petitioners have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of victim recorded under Section 164 Cr.P.C and the injury report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the alleged offence and the injury appears to be simple in nature, 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, **Chinmoy Das, Soumuadwip Das @ Soumyadip Das and Rupa Roy @ Rupa Das Sarkar** 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 **petitioner nos. 1 and 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The **petitioner no. 3** shall cooperate with the investigation till the submission of the final report. The petitioners shall appear before learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, within two weeks from date in connection with G.R Case No. 1154 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)