

Court No. 29
(266041)

CRM (A) 2567 of 2024

30.07.2024
(AD 107)
(S. Banerjee)

**(Partly
Allowed)**

In re: ^e An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gopiballavpur Police Station Case No. 35 of 2024 dated 12.06.2024 under Sections 447/323/307/506/34 of the Indian Penal Code, pending before the learned Sessions Judge, Jhargram.

And

In the matter of: Rati Kanta Guru & Ors.

...petitioners

Mr. Sagar Saha
Mr. Debasis Sur
Mr. Nurnobi Seikh

... for the petitioners

Mr. Debabrata Chatterjee
Ms. Kanchan Roy

... for the State

1. Learned counsel for the petitioners submits that over a land dispute a free-fight took place between the parties in which both sides suffered injury and a false complaint has been lodged against the petitioners.
2. Learned counsel for the State has produced the case diary and opposes the prayer for anticipatory bail.
3. Considering the materials available in the case diary, the statement of the injured recorded under Section 161 Cr.P.C. directly implicating the petitioner no. 1, read with the medical report which shows grievous injury, we are not inclined to grant anticipatory bail to the petitioner no. 1 (Rati Kanta Guru).

4. However, the allegations against the petitioner nos. 2, 3 and 4 are omnibus in nature and we are inclined to grant anticipatory bail to the petitioner nos. 2 (Ananda Guru), 3 (Dolgobinda Guru) and 4 (Gouranga Guru).
5. Accordingly, we direct that in the event of arrest, the petitioner nos. 2, 3 and 4 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 Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall meet the IO once in a week or as and when required. The petitioners shall not leave the jurisdiction of the concerned Police Station till the submission of the final report.
6. It is further directed that the present petitioners shall appear before the jurisdictional court within two weeks from date and pray for regular bail.
7. It is further directed that the petitioners shall appear on every date before the learned 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 presence of the petitioner in court including canceling the anticipatory bail granted without further reference to this court.

8. Accordingly, the application for anticipatory bail is allowed in respect of petitioner nos. 2, 3 and 4.
9. The prayer for anticipatory bail of the petitioner no. 1 stands rejected. He shall cooperate with the investigation and appear before the learned jurisdictional court.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)