

Court No. 29
(266041)

CRM (A) 2573 of 2024

31.07.2024
(AD 28)
(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Burwan Police Station Case No. 333 of 2024 dated 13.07.2024 under Sections 189(2)/221/121(1)/121(2)/132/117(2)/109 of the Bharatiya Naya Sanhita, 2023, pending before the learned Additional Chief Judicial Magistrate at Kandi, Murshidabad.

And

In the matter of: Joy Prosad Das @ Joy Kishore @ Ors.
...petitioners

Mr. Kumar Jyoti Tewari
Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

... for the petitioners

Mr. Kunal Ganguly

... for the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. Learned counsel for the State in opposing the prayer has submitted that a suo motu complaint has been lodged by the concerned SI of police against the petitioners for preventing the police officers from executing the warrant. They were physically assaulted by the family members of Srimanta Das.
3. The case diary reveals that there was longstanding dispute between the petitioners and one Mujibar Rahaman over a land in connection with that Mujibar Rahaman lodged a complaint on the basis of which on 13th July, 2024, ASI Suman Kumar Pal, along with other police personnel, went

to the residence of Srimanta Das to arrest him when the family members of Srimanta Das alleged to have prevented the police officers from arresting Srimanta Das. However, it is revealed from records that Srimanta Das was arrested and he is presently in custody. No specific overt act has been ascribed against any of the petitioners save and except they prevented the police officers to arrest said Srimanta Das. We have also considered the nature of injury revealed from the case diary.

4. In view of the aforesaid, we are of the view that custodial interrogation of the petitioners are not necessary. In any event, Srimanta Das is already in custody.
5. Accordingly, we direct that in the event of arrest, the petitioners 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner nos. 1 and 4 shall meet the IO once in a week or as and when required. The petitioner nos. 2 and 3 shall cooperate with the investigation.
6. It is further directed that all of the petitioners shall appear before the learned Additional Chief Judicial Magistrate at Kandi, Murshidabad in connection with Burwan P.S. Case no. 333 of 2024 dated 13.07.2024 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 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 petitioners in court including canceling the anticipatory bail granted without further reference to this court.
8. Accordingly, the application for anticipatory bail is allowed.
9. 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.)