

Court No. 29
(266041)

CRM (A) 2574 of 2024

31.07.2024
(AD 29)
(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. 332 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: Hemanta Das @ Ors.

...petitioners

Mr. Kumar Jyoti Tewari
Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
Mr. Aniruddha Tewari
Mr. Amrit Sinha

... for the petitioners

Mr. Madhusudan Sur
Ms. Eshita Dutta

... for the State

1. Learned counsel for the petitioners submits that there is a longstanding dispute over a land with one Mujibar Rahaman, the de facto complainant, over cultivation rights and the petitioners have been falsely implicated.
2. Learned counsel for the State has produced the case diary.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the nature and injury which appear to be simple in nature, we are of the view that custodial interrogation of the petitioners is not necessary. Moreover, Srimanta Das, against whom the main allegation has been made, is already in custody.

4. 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.
5. 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.
6. 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.
7. Accordingly, the application for anticipatory bail is allowed.
8. 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.)