

01.08.2024
SL No.14
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2591 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Purulia (M) Police Station Case No.148 of 2024, dated 10.04.2024 under Sections 447/341/325/307/506/34 of the Indian Penal Code.

And

In the matter of : **Sri Chiranjit Choudhury & Ors.**

- Petitioners.

Mr. Sougata Mitra,
Mr. Nikhil Kr. Guputa,
Mr. Rameshwar Sinha,
Ms. Soma Chakraborty

....For the Petitioners.

Mr. Imran Ali,
Ms. Shaila Afreen

... For the State.

1. The learned Counsel for the petitioners submits that over a land dispute a false complaint has been lodged by the de facto complainant. It is further submitted that the petitioner no.1 has lodged a prior written complaint on 9th April, 2024 over the self-same incident before the Purulia (M) Police Station and an FIR has been registered on 9th April, 2024. It is submitted that the petitioners are innocent.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has produced the case diary and the medical report of the injured.
3. Considering the materials available in the case diary wherefrom it transpires that the petitioner no.1 has assaulted Subol Chandra Mahato and Prasenjit Mahato with an iron rod and the injury sustained is grievous in nature as would appear from the

CT Scan report of Subol Chandra Mahato, we are not inclined to grant anticipatory bail to the petitioner No.1, namely, **Sri Chiranjit Choudhury**.

4. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.
5. However, considering the nature and extent of complicity of the petitioner nos.2 and 3 in the commission of the alleged offence and moreover the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner nos.2 and 3 is not required.
6. Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3, namely, **Sri Subodh Choudhury** and **Sri Hriday @ Sujay Chand**, 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 BNSS, 2023.
7. It is further directed that the petitioner nos.2 and 3 shall appear before the learned Chief Judicial Magistrate at Purulia in connection with G.R. Case No.688 of 2024 within two weeks from date.
8. It is further directed that the petitioner nos.2 and 3 shall appear each and every date of hearing 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 the presence of the petitioner nos.2 and 3 in Court

including cancelling the anticipatory bail granted without further reference to this Court.

9. Accordingly, the application for anticipatory bail is disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)