

19.8.2024
SL Nos. 8
Ct No. 29
SB

CRM (A) 2605 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure / Section 482 of B.N.S.S. Act, 2023 filed in connection with Sabang Police Station Case No. 204 of 2024 dated 07.6.2024 under Sections 341/323/325/354B/307/506/34 of Indian Penal Code adding Section 376 of the Indian Penal Code.

And

Nakul Roy & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Sabir Ahmed

Mr. Bhaskar Hutait

Mr. T. Ahmed

Mr. Dhiman Ahmed

... for the Petitioners

Mr. Ashok Das

... for the State

Mr. Sauradeep Dutta

.. for the victim (through Legal Aid)

1. Heard the learned advocates for the parties.
2. Learned counsel appearing for the petitioners submits due to political rivalry a false complaint has been lodged against the petitioners.
3. Learned advocates appearing for the State and the de facto complainant has opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and injury report which does not support the statement of the victim and there may be possibility of false implication, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners namely, Nakul Roy and Panchanan Ghorai. shall be released on

bail upon furnishing a bond of Rs.10,000/- 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. Petitioners shall meet the Investigating Officer once in a week till the submission of the final report.

6. It is further directed that the present petitioner shall appear before the learned Chief Judicial Magistrate, Paschim Medinipur in connection with G.R. Case No. 1547 of 2024 within two weeks from date and pray for regular bail.
7. In default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)