

Court No. 29
(266041)

CRM (A) 2631 of 2024

05.08.2024
(A 37)

(S. Banerjee)

(Allowed)

In re: 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 Islampur Police Station Case No. 433 of 2023 dated 28.06.2023 under Sections 341/326/307/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Islampur at Uttar Dinajpur.

And

In the matter of: **Bharat Ganesh @ Dharal Bharat Ganesh**
...petitioner

Mr. Shaharayar Alam
Ms. Sompurna Chatterjee

... for the petitioner

Mr. Sandip Chakraborty
Ms. Chandreyi Dutta

... for the State

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
3. Learned counsel for the State in opposing the prayer has referred to the medical report as well as the statement of the injured.
4. Charge-sheet has been filed.
5. Considering the materials available on record, the statement of the injured and the nature of injury as revealed from the medical report which appears to be simple in nature and

having regard to the fact that charge-sheet has been filed, we are inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner (Bharat Ganesh @ Dharal Bharat Ganesh) shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and 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.
7. The petitioner shall appear before the jurisdictional magistrate within two weeks and attend the court on each and every date of trial.
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.)