

45.
18-09-2024
(ct. no.28)
debajyoti
(partly
allowed)

CRM (DB) 2449 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranaghat Police Station Case No.263 of 2024 dated 07-04-2024 under Sections 448/325/326/308/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Anjali Roy & Anr.

.... Petitioners.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal

... For the Petitioners.

Mr. Partha Pratim Das,
Mr. Aritra Bhattacharya

... For the State.

Dictated by Arijit Banerjee, J.

The petitioners say that this was a case of the local mob lynching the victim who was a person with the habit of disturbing all the inhabitants of the locality. No specific role can be attributed to the petitioners. The petitioners are in custody for 164 days. Charge has not yet been framed. They pray for bail.

Opposing the prayer for bail, learned State advocate draws our attention to the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure including the statement of the victim's husband who also sustained injury in the alleged incident. That person specifically names the petitioner no.2, Biswajit Roy @ Biswa, as one of the persons who reportedly struck the victim with wooden baton along with others. Although the

petitioner no.1, Anjali Roy, who is 63-years old, is named, her role is not that significant.

In view of the aforesaid, we are inclined to allow the prayer of the petitioner no.1, Anjali Roy, for bail. The prayer of the petitioner no.2, Biswajit Roy @ Biswa, is rejected, at this stage.

Accordingly, we direct that the petitioner no.1, namely, **Anjali Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Ranaghat. The petitioner no.1 shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner no.1 shall remain within the jurisdiction of the local police station, until further orders.

In the event the petitioner no.1 fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2449 of 2024 is, thus, **allowed in part**.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)