

06.08.2024
SL No.58
Court No.29
(gc)
(Allowed)

CRM (A) 2678 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, 2023 filed in connection with Lalgola Police Station Case No.569 of 2023 dated 04.12.2023 under Sections 341/324/307/34 of the Indian Penal Code.

And

In the matter of : **Khudu Singha @ Dibyendu Singha**
@ Subendu Singha

- Petitioner.

Ms. Riya Das

....For the Petitioner.

Mr. Binoy Kumar Panda,

Ms. Pallavi Priyadarshee

... For the State.

1. The learned Counsel for the petitioner submits that due to land dispute, the petitioner has been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim and the injury report.
3. Considering the materials available in the case diary, the nature of injury and having regard to the fact that no overt act has been attributed to the petitioner as the statement of the victim shows that one Bijoy Singha has assaulted the petitioner and also having regard to the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Khudu Singha @ Dibyendu Singha @ Subendu Singha**, shall be released on bail upon furnishing a bond of

Rs.10,000/-, 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.

5. It is further directed that the petitioner shall appear before the learned Sessions Judge, Berhampore, Murshidabad in connection with G.R. Case No.4070 of 2023 within two weeks from date.
6. It is further directed that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)