

12.08.2024
Court No.29
Item No. 33

Allowed

sg

CRM (A) 2746 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Tollygaunge Police Station Case No. 99 of 2024 dated 28.06.2024 under Sections 341/323/324/354/354B/509/506/114 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Alipore at South 24 Parganas.

And

In Re: **Biswanath Kanrar & Ors.**

Petitioners

Ms. Sanjida Sultana

For the Petitioner

Mr. Iqbal Kabir

Ms. Payel Ghosh

For the State

1. The learned Counsel for the petitioner submits that the petitioners are innocent and due to long standing dispute with regard to ownership of the property, the other co-accused have filed a false complaint. It is stated that the petitioner no.1 is a caretaker/electrician of the premises since 1992. The petitioner no.2 and the petitioner no.3 are the co-owners of the said premises and are residing over there. The petitioner no.4 is the family friend and neighbour of the petitioner nos. 2 and 3.
2. The learned Counsel appearing on behalf the State has referred to the statement of the complainant recoded under Section 164 of the Code of Criminal Procedure and opposed the prayer for anticipatory bail. The learned Counsel has, however, fairly submitted that the petitioners have cooperated with the investigation and complied with the notice under Section 41A of the Cr.P.C.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the nature of injury which appears to be external aberration and bruise not on vital part of the body and also having regard to the fact that the petitioners have cooperated with the investigation and complied with the notice under Section 41A Cr.P.C. and that there is a civil suit pending between the parties in relation to the property in question, we are inclined to grant anticipatory bail to the present petitioners.
4. Accordingly, we direct that in the event of arrest the petitioners namely, **Biswanath Kanrar, Debyendu Mukherjee, Anuradha Mukherjee, Kalyan Kumar Chatterjee**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner nos.1,2 and 4 shall meet the I.O. once in a fortnight till the submission of the final report. The petitioners shall appear before the Additional Chief Judicial Magistrate, Alipore at South 24 Parganas within two weeks from date.
5. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)