

12.08.2024
SL No.49
Court No.29
(gc)
(Allowed)

CRM (A) 2762 of 2024

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, 2023 in connection with Bhatar Police Station Case No.94 of 2024 dated 21.02.2024 under Sections 448/325/326/354B/506/120B/34 of the Indian Penal Code.

And

In the matter of : **Babu Das & Anr.**

- Petitioners.

Mr. Ashok Kr. Chowdhury,
Ms. O. Chowdhury,

....For the Petitioners.

Mr. Anindya Sundar Chatterjee,

... For the State.

1. The learned Counsel for the petitioners submits that due to family dispute, a false complaint has been lodged against the petitioners. It is submitted that the petitioners filed a complaint against the family members of the de facto complainant for trying to grab the entire ancestral property. As the counter-blast, this complaint has been lodged.
2. The learned Counsel for the State has produced the case diary and drawn our attention to the statement of the de facto complainant recorded under Section 164 Cr.P.C.
3. Considering the materials available in the case diary and more particularly that the present complaint has been filed on 11th February, 2024 prior in point of time to the second complaint which appears to have been filed on 16th February, 2024 and having regard to the nature of the allegations and the injury, we

are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Babu Das** and **Madhumita Nandi (Das)**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 directed that the petitioner no.1 shall meet the I.O. once in a fortnight till the submission of the final report and the petitioner no.2 shall cooperate with the investigation.
6. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate, Purba Bardhaman in connection with G.R. Case No.969 of 2024 within two weeks from date.
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.)