

16.08.2024
SL No.48
Court No.29
(gc)
(Allowed)

CRM (A) 2837 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Goghat Police Station Case No.358 of 2024 dated 14.07.2024 under Sections 126(2)/115(2)/117(2)/109/30/3(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : **Totan Roy & Anr.**

- Petitioners.

Mr. Subhajit Manna,
Mr. Shounak Mondal

....For the Petitioners.

Mr. Ranabir Roychowdhury,
Mr. Tirupati Mukherjee

... For the State.

Ms. Ayesha Sultana

....For the De facto Complainant.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioners submits that the petitioners are innocent and there is a hot altercation between the friends with no intention to cause any bodily harm on the victim.
3. The learned Counsel for the de facto complainant submits that the petitioners and the de facto complainant are friends and the dispute has been amicably settled.
4. The learned Counsel for the State has produced the case diary.
5. Considering the submission made on behalf of the parties and it appears that due to hot altercation between the friends, the de facto complainant has sustained injuries and the de facto complainant is now exonerating the petitioners from the alleged offence, we are of the view that custodial interrogation of the petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Totan Roy** and **Biplop Roy @ Biplab Roy @ Biplab Ray**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, 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 and the petitioners shall meet the I.O. once in a fortnight till the submission of the final report.
7. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly in connection with G.R. Case No.1434 of 2024 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)