

20.08.2024
Court No.29
Item No. 32

Allowed
sg

CRM (A) 2877 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 Belda Police Station Case No. 123 of 2024 dated 14.06.2024 under Sections 448/436/427/506/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur.

And

In Re: **Rayranjan Jana & Ors.**

Petitioners

Mr. Sabyasachi Banerjee
Ms. Diksha Ghosh

For the Petitioners

Mr. Saryati Dutta
Mr. Bikram Mitra

For the State

1. The learned Counsel for the petitioners submits that the de-facto complainant and the petitioner no.1 are brothers and the petitioner nos. 2 and 3 are the wife and son of the petitioner no.1. The petitioner no.1 is the uncle of the de-facto complainant and all of them used to live in the same house. The grandmother of the de-facto complainant has executed a deed of gift in favour of the accused persons. This has created ill-feeling between the parties and the present complainant is a result of such enmity.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the seizure list and the statement of the father of the de-facto complainant.
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, the seizure list and the statement of the father of the de-facto complainant and

having regard to the fact that the gift of deed was executed in favour of the petitioners, the chance of false implication of the petitioners cannot be ruled out. However, the said view is prima facie.

4. Considering the aforesaid factors, we are of the view that the custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioners namely, **Rayranjan Jana, Rekha Jana and Koushik Jana**, 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 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 and 3 shall meet the I.O. once in a week till the submission of final report and the petitioner no.3 shall cooperate with the investigation. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur within two weeks from date.
6. 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.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. 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.)