

20.08.2024

Court No.29

Item No.36

Allowed

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CRM (A) 2881 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 Jamuria Police Station Case No. 183 of 2024 dated 18.04.2024 corresponding to G.R Case No. 1066 of 2024 under Sections 286/506 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act.

And

In Re: Kajal Garai @ Kajal Gorai

Petitioner

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguly

For the Petitioner

Ms. Rituparna De Ghosh

Ms. Chandreyi Dutta

For the State

1. Learned counsel for the petitioner submits that over a property dispute a false complaint has been lodged against the petitioner.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the neighbours and submits that the investigation is at primary stage.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the statement of the witnesses that they believed that the petitioner might have inserted the pond in the newly built structure and having regard to the fact that it is a land dispute between the parties, as revealed from the statement of the one of the witnesses, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Kajal Garai @ Kajal Gorai** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Asansol, Paschim Bardhaman, within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)