

29.08.2024
Sl No.28
Court No. 29
TN
(Allowed)

CRM (A) 2931 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mollarpur Police Station Case No.237 of 2022 dated 28.11.2022 under Sections 506/323/325/326/307/379/376/511/354/34 of the Indian Penal Code.

And

In the matter of: **Sanatan Das @ Narad Das and another**

.... petitioners

Mr. Bitasok Banerji,
Mr. A. Salam

....for the petitioners

Mr. Soumik Ganguli,
Mr. S. Nandy

....for the State

1. In spite of service, the victim is not represented.
2. The affidavit of service is kept on record.
3. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. Moreover, the complainant is a resident of Bajitpur village and on an assurance that he would build a temple, the complainant illegally procured a land from one Joysna Bagdi and he started living with the victim. The complainant used to come in their village (choto pathai) and involved in illegal activities with the victim. They protested, as a result whereof this false complaint has been lodged.
4. The learned counsel for the State has produced the case diary.

5. 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 having regard to the statement of the independent witnesses recorded under Section 161 of the Code of Criminal Procedure wherefrom it appears that there was a dispute between the *de facto* complainant and the villagers and the nature of the injury appears to be simple, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sanatan Das @ Narad Das** and **Mithun Das** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- 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.
7. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within two weeks from date and pray for regular bail.
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.)