

04.09.2024
AD-10
Court No. 29
TN
(Allowed)

CRM (A) 2941 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kharagpur (Local) Police Station Case No.538 of 2024 dated 02.07.2024 under Sections 75/332(b)/64/115(2)/351(2)/3(5) of the BNS, 2023 corresponding to Sections 354A/450/376/323/506/34 of the Indian Penal Code, 1860.

And

In the matter of: **Durjodhan Singh @ Sing and others**

.... petitioners

Mr. Amit Ranjan Pati

....for the petitioners

Mr. Jaydeep Biswas,
Mr. Asraf Mondal

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and due to a land dispute, a false complaint has been lodged. It is further submitted that the pre-emption suit is pending between the parties and out of grudge, this complaint has been lodged.
2. The learned counsel for the State in opposing the prayer has referred to the letter of complaint and the statement of the victim recorded under Section 183 of the BNSS, 2023. It is submitted that the *de facto* complainant had named the petitioner in the statement recorded under Section 183 of the BNSS, 2023.
3. Considering the materials available in the case diary and having regard to the fact that the allegation of rape has been made against one Sudarshan Singh and it is alleged that

Sudarshan later on came to the residence of the *de facto* complainant along with the present petitioners to threaten and the possibility of a false implication cannot be ruled out and having regard to the fact that civil proceedings are pending between the parties and the apparent discrepancy in the statement made in the application under Section 156(3) of the Code of Criminal Procedure and the statement recorded under Section 183 of the BNSS, 2023, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Durjodhan Singh @ Sing, Banshidhar Sing @ Bangshi Sing @ Singh, Sujit Singh @ Sing and Soumen Sing @ Saumen Singh** 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.
5. The petitioners shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Paschim Medinipur 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.)

(Shampa Dutt (Paul), J.)