

29.08.2024
Court No.29
Item No. 40

Partly Allowed
sg

CRM (A) 2952 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 Arambagh Police Station Case No. 256 of 2024 dated 20.05.2024 under Sections 341/323/324/307/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Hooghly.

And

In Re: **Haradhan Porel & Ors.**

Petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Labani Sikder
Mr. Rony Mondal

For the Petitioners

Mr. Debabrata Chatterjee
Mr. Tirthankar Dhali

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated due to political rivalry.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary, medical report as well as the statement of the injured.
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 injury report which appears to be grievous in nature and having regard to the fact that the injured has specifically named the petitioner no.2 along with one Bholanath Mondal, who have physically assaulted the victim that had resulted grievous in nature, we are not inclined to grant anticipatory bail to the

petitioner no.2. However, having regard to the role of the petitioner nos. 1 and 3 in the alleged offence, which appears to be omnibus in nature, we are of the view that custodial interrogation of the petitioner nos. 1 and 3 is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 3 namely, **Haradhan Porel and Ratan Chandra Porel**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, one of whom must be legal, 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. The petitioner nos. 1 and 3 shall appear before the learned Chief Judicial Magistrate, Hooghly within two weeks from date.
5. In the event the petitioner nos. 1 and 3 fails 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2 is rejected and the prayer for anticipatory bail of the petitioner nos. 1 and 3 is allowed.
7. 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.)