

05.09.2024

Court No.29

Item No. 22

Allowed

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CRM (A) 3087 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Murutia Police Station Case No.199 of 2024 dated 02.07.2024 corresponding to S.L No. 1396 of 2024 under Sections 126(2)/117(2)/118(2)/3(5)of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Biswajit Roy & Ors.**

Petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee

For the Petitioners

Ms. Sonali Das
Mr. Dipankar Mahata

For the State

1. Upon hearing the learned counsel for the parties and upon perusal of the record it appears that the incident occurred when the accused persons allegedly tried to evict the complainant from their land. There was a free fight between the parties and minor injuries were received by the victims, which is apparent from the injury report.
2. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the injury appears to be simple in nature, we are of the view that custodial interrogation of the petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Biswajit Roy, Swapan Roy, Sushil Roy, Monindra @ Manindra Roy, Bikash Roy, Sudhany @ Sudhanya Roy and Rabindranath Roy @ Paltu** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered 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, corresponding to Section 482(2) of the BNSS, 2023. The petitioners shall meet the Investigating Officer as when required till the submission of the final report and on further condition that the petitioners shall appear before the learned **Additional Chief Judicial Magistrate, Tehatta at Nadia**, within two weeks from date in connection with **S.L No. 1396 of 2024**. 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.

4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)