

11.09.2024

Court No.29

Item No. 33

Allowed

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CRM (A) 3238 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 Kaliganj Police Station Case No. 241 of 2024 dated 14.03.2024 corresponding to G.R Case No. 1473 of 2024 under Sections 448/323/354/354B/436/506/34 of the Indian Penal Code.

And

In Re: **Hungkar Roy & Anr.**

Petitioners

Ms. Shalini Bairagi

Mr. Priyankar Ganguly

For the Petitioners

Mr. Saibal Bapuli, Ld. APP

Ms. Sima Biswas

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the witnesses and the seizure list and submits that the petitioners with others have outraged the de-facto complainant and set her house on fire. However, it is submitted that two accused persons have been enlarged on bail and charge-sheet has already been filed.
3. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Hungkar Roy and Paresh Rajoyar @ Sudip Rajoyar** shall be released

on bail upon furnishing a bond of Rs. 10,000/- each, 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, corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Krishnagar, Nadia**, corresponding to **G.R Case No. 1473 of 2024** within one week from date and the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioners shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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 petitioners 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)

(Prasenjit Biswas, J)