

12.09.2024

Court No.29

Item No. 29

**Partly
Allowed**

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CRM (A) 3262 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gurap Police Station Case No. 217 of 2024 dated 14.06.2024 corresponding to G.R Case No. 1941 of 2024 under Sections 354/379/436/506/34 of the Indian Penal Code.

And

In Re: **Manik Kshetrapal & Ors.**

Petitioners

Mr. Palash Bapari

For the Petitioners

Mr. Soumik Ganguly

Mr. Habib Hassan

For the State

1. In spite of service, the victim is not represented.
2. Affidavit of service filed in Court is taken on record.
3. Heard the learned counsel appearing for the parties.
4. 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 fact that the victim has specifically mentioned the name of the petitioner no. 3, who appears to have spear headed setting on fire that had resulted the death of animals, we are **not** inclined to grant anticipatory bail to **the petitioner no. 3**. However, having regard to the rules ascribed to petitioner nos. 1 and 2 and the injury report and moreover, the charge-sheet has already been filed, we are inclined to grant anticipatory bail to the **petitioner nos. 1 and 2**.

5. Accordingly, we direct that in the event of arrest, namely, the **petitioner no. 1, Manik Kshetrapal and the petitioner no. 2, Bapan Kshetrapal** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, 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 **petitioner nos. 1 and 2** shall appear before the **learned Chief Judicial Magistrate, Hooghly**, corresponding to **G.R Case No. 1941 of 2024** within two weeks from date and the petitioner nos. 1 and 2 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner nos. 1 and 2 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.
6. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 1 and 2** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 3** stands rejected and the application is accordingly disposed of.
7. 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)

