

13.09.2024
SL No.23
Court No.29
(gc)
(Allowed)

CRM (A) 3290 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Santipur Police Station Case No.1054 of 2024 dated 09.08.2024 under Sections 351(3)/117(2)/126(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : **Tapas Mahato @ Kundan & Ors.**

- Petitioners.

Mr. Somnath Adhikary

....For the Petitioners.

Mr. Partha Pratim Das,

Ms. Suruchi Saha

... For the State.

Mr. Soumyajit Das Mahapatra,

Ms. Madhurai Sinha

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that out of previous family dispute and grudge, a false criminal complaint has been lodged against the petitioners.
2. The learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail.
3. The learned Counsel for the State has submitted that the petitioners possibly upon surrender in a previous case between the parties obtained bail and thereafter they have physically assaulted the present petitioners. However, there is nothing specific in the case diary in this regard. Moreover, nothing is on record that the State or the de facto complainant has applied for cancellation of bail for violating the bail conditions.
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 the nature of the dispute and the background facts leading to such incident, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Tapas Mahato @ Kundan, Birendra Mahato @ Birendar, Goutam Mahato, Govinda Mahato @ Gobindo Mahato, Koushalya Mahato, Ramprabesh Mahato, Nandakishor Mahato**, shall be released on bail upon furnishing a bond of Rs.5,000/- 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 482(2) of the BNSS, 2023 and on further condition that the petitioners shall meet the I.O. once in a week till the submission of the final report.
6. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Ranaghat in connection with G.R. Case No.3391 of 2024 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.)

(Prasenjit Biswas, J.)