

23.09.2024
SL No.16
Court No.29
(gc)
(Partly-Allowed)

CRM (A) 3414 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 filed in connection with Tapan Police Station Case No.164 of 2024 dated 31.03.2024 under Sections 341/323/325/326/354/307/379/506/34 of the Indian Penal Code.

And

In the matter of : **Bijay Barman @ Bijoy Barman & Ors.**

- Petitioners.

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....For the Petitioners.

Mr. Suman De, Ld. A.P.P.,
Mrs. Shaila Afrin

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State has submitted that the charge-sheet has been filed against the petitioner nos.2, 3 and 4 and the other petitioners have been discharged.
3. Considering the materials available in the case diary, the nature and extent of complicity of the present petitioners in the commission of the alleged offence and having regard to the statement of the injured read with the injury report which appears to be grievous, there are sufficient incriminating materials against the petitioner nos.2, 3 and 4 and it appears that they have physically assaulted the injured that had resulted in grievous injury, we are not inclined to grant anticipatory bail to the petitioner nos.2, 3 and 4.

4. Accordingly, the prayer for anticipatory bail of the petitioner nos.2, 3 and 4, namely, **Dhananjay Roy @ Dhananjan Ray, Basudeb Roy** and **Niren Roy @ Nirendra Roy**, is rejected.
5. However, having regard to the fact that the petitioner nos.1, 5 and 6 have not been named in the final report, the question of custodial interrogation of petitioner nos.1, 5 and 6 does not arise.
6. Accordingly, we direct that in the event of arrest, the petitioner nos.1, 5 and 6, namely, **Bijay Barman @ Bijoy Barman, Jayanta Roy** and **Sanjoy Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023.
7. It is further directed that the petitioner nos.1, 5 and 6 shall appear before the learned Chief Judicial Magistrate, Dakshin Dinajpur in connection with G.R. Case No.564 of 2024 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)