

04.10.2024

Court No.29

Item No. 27

Allowed

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CRM (A) 3565 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 Barabazar Police Station Case No. 131 of 2024 dated 10.08.2024 corresponding to G.R Case No. 1518 of 2024 under Sections 126(2)/117(2)/109/3(5)/351(2)/351(3) of the BNS, 2023.

And

In Re: **Kantiram Majhi & Ors.**

Petitioners

Mr. Pawan Kumar Gupta

Mr. Sougata Mitra

Ms. Sofia Nesar

Mr. Santanu Sett

Ms. Soma Chakraborty

Mr. Abhijit Bose

Mr. Subhadeep Maitra

For the Petitioners

Ms. Baisali Basu

Mr. Parvez Anam

For the State

1. Learned counsel for the petitioners submits that the petitioner no. 1 was arrested prior to filing of this petition. Hence he is not pressing this application for anticipatory bail. So far as the other petitioners are concerned, it is submitted that they are innocent and due to professional score they have been falsely implicated.
2. Learned counsel for the State has produced the case diary and has referred to the statement of the injured recorded under Section 180 BNSS and the injury report.
3. 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 it appears that the victim suffered grievous injury due to physical assault by the petitioner no. 1 and the allegations against the other

petitioners are omnibus and general in nature, 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, **the petitioner no. 2 Khagen Majhi, the petitioner no. 3 Debu Majhi @ Rajkumar Majhi, the petitioner no. 4 Smt. Ludhu Majhi @ Padmabati Majhi, the petitioner no. 5 Smt. Chapala Majhi and the petitioner no. 6 Mona Majhi** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered 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. The petitioner nos. 1 to 3 shall meet the Investigating Officer once in a fortnight till the submission of the final report and the petitioner nos. 4 to 6 shall cooperate with the investigation till the submission of the final report following the female norms and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Purulia,** within **10 days** from date in connection with **G.R Case No. 1518 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.
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)

(Uday Kumar, J)

