

04.10.2024

Court No.29

Item No. 36

Allowed

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CRM (A) 3574 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 Tamluk Police Station Case No. 445 of 2024 dated 16.5.2024 corresponding to G.R Case No. 1710 of 2024 under Sections 325/326/307/427/506/34 of the Indian Penal Code and the charge sheet has been submitted under Sections 323/325/308/427/506/34 of the Indian Penal Code.

And

In Re: **Prasenjit Das**

Petitioner

Mr. Navanil De

Mr. Subhrajit Dey

For the Petitioner

Mr. B. K. Panda

Mr. Sachit Talukdar

For the State

1. Heard the learned counsel appearing for the parties.
2. It is submitted that due to previous grudge the petitioner has been falsely implicated.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary and the statement of the injured and the injury report.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the circumstances under which such incident had occurred and the nature of injury appears to be simple and moreover the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prasenjit Das** shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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 shall appear before the **learned Chief Judicial Magistrate, Tamluk, Purba Medinipur**, corresponding **G.R Case No. 1710 of 2024 within 10 days** from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner 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 is allowed and the same 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)

(Uday Kumar, J)

