

25. 05.11.2024
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (A) 769 of 2024**

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 / Section 438 of the Code of Criminal Procedure, 1973, in connection with **Boxirhat** Police Station **Case No. 227 of 2024** dated **26/05/2024** under Sections **447/427/325/326/354/506/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Sanjoy Das & Ors.**

...petitioners.

Ms. Suman Sehanabis (Mandal)
Mr. Salok Sah
Ms. Anwasha Chakraborty

...for the petitioners.

Mr. Niloy Chakraborty
Mr. Sourav Ganguly

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that the present complaint is the outcome of a dispute relating to landed property. There is case and counter-case. The petitioners have also sustained injuries. The petitioners will fully co-operate with the Investigating Officer. They pray for anticipatory bail.
2. Opposing the prayer for anticipatory bail learned Advocate for the State draws our attention to the material in the case diary. He says that investigation is going on and charge-sheet is yet to be filed.
3. We have seen the medical report. No serious injury appears to have been sustained by the victim. Dispute relating to landed property cannot be ruled out.

4. On an overall consideration of the facts and circumstances of the case and the nature and gravity of the alleged offence, we are of the view that the petitioners need not be arrested immediately so long as they fully co-operate with the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioners, namely, **1. Sanjoy Das, 2. Subha Das @ Shubha Das, 3. Rina Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1 and 2 shall report to the Investigating Officer once in a fortnight and the petitioner no.3 shall fully co-operate with the Investigating Officer as and when called for, until further orders.
6. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. The application for anticipatory bail being CRM (A) 769 of 2024 is thus allowed and disposed of.
8. All parties shall act in terms of server copy of this order duly downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)