

District: Purba Bardhaman.

In the Court of the Sessions Judge, Purba Bardhaman, at Burdwan.

Present: Shri Sujay Sengupta,

Sessions Judge, Purba Bardhaman.

Criminal Misc.- Case No. 1833 of 2023

(CNR NO. WBBB 01 004313 2023)

Jaydeb Das & 10 others. - versus- The State

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Order no. 02 dated 19.09.2023:

The application for anticipatory bail under Section 438 Cr. P.C. filed on behalf of the accused petitioners namely (1) Jaydeb Das, (2) Matilal Das, (3) Sukanta Das @ Sukanta Kumar Das, (4) Khokon Das @ Dhananjay Das, (5) Santana Das @ Santana Ghosh Das, (6) Manik Das, (7) Ritam Das, (8) Praneswar Das, (9) Bacharam Das, (10) Susanta Das @ Susanta Kumar Das, and (11) Amita Biswas Das @ Fuli Das who apprehend their arrest in connection with Purbasthali P.S. Case No. 164 of 2023 dated 13.08.2023 U/Ss 341/323/326/354/504/34 of I.P.C. is taken up for hearing.

L.C.R. produced. C.D. is also produced.

Heard the Ld. Advocate for the petitioners and Ld. P.P. In-charge.

Perused the materials on record and in the C.D. Minutely perused the statements taken u/s 161 Cr. P.C. and compared the same with the other materials collected by the I.O. including the injury reports.

It is submitted by the Ld. Advocate that these accused persons have been falsely implicated in this case, and the nature of allegation is as such, custodial interrogation of the petitioners is not required. It is further submitted that there is a counter case being Purbasthali P.S. case No. 163 of 2023 dated 13.08.2023 under the same sections. It is the further submission of the Ld. Advocate that no such application of these petitioners has either been moved before or rejected by the Hon'ble Court or by this Court on any earlier occasion. Hence, Ld. Advocate prays for grant of anticipatory bail to the petitioners on any condition as this Court deems fit.

Objection raised by the Ld. P.P. in-charge.

Rummaging the materials available, I find that there was a clash between the parties regarding property matter over which both sides file case against each other. Considering the materials available in the C.D., nature of allegation and

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injury, I am of the view that custodial interrogation of the present petitioners is not needed in this case. Accordingly, their prayer u/s 438 Cr. P.C. is allowed.

In the event of arrest of the above named petitioners in connection with the above noted case, they shall be released on bail on furnishing bonds of Rs. 3000/- each with two sureties of Rs. 1500/- each, subject to the satisfaction of the arresting officer on the conditions stipulated in section 438(2) Cr. P.C. with further direction that the petitioners herein, except the petitioner no. 5 Santana Das @ Santana Ghosh Das and (11) Amita Biswas Das @ Fuli Das shall meet with the I.O. of the case twice in a week till submission of report by the I.O.

Let a copy of this order along with the L.C.R. be transmitted to the concerned Court for information and necessary action.

C.D. be returned.

Instant Criminal Misc.- Case No. 1833 of 2023 is thus disposed of.

Dictated & corrected by me.

Sd/-

S.J. Purba Bardhaman.

Sd/-

Sessions Judge, Purba Bardhaman.

