

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 997 of 2018

1. Ranjan Kumar Panda S/o Shri Gaur Hari Panda Aged About 63 Years
Sub Inspector, R/o 3-E Old Kolkata Road, Barakpur (M), Talpukur
North 24 Pargana, West Bengal, District : North Twenty Four
Parganas, West Bengal
2. Tapan Das S/o Shri Vishwanath Das Aged About 48 Years Asst. Sub
Inspector, R/o Nibadhayee Mannapara, Dattapukur, West Bengal,
District : North Twenty Four Parganas, West Bengal
3. Nitish Kumar Mandal S/o Shri Naba Kumar Mandal Aged About 38
Years Constable No. C-604, R/o Jatiyadaha, Fa5ridpur, Mursidabad,
West Bengal, District : Murshidabad, West Bengal
4. Shankar Sonfooyee S/o Shri Semotul Sanfooyee Aged About 42 Years
Constable C-736, R/o Saratapalli, Dighirpur, South 24 Pargana West
Bengal, District : North Twenty Four Parganas, West Bengal
5. Jagdish Mandal S/o Shri Siddheshwar Mandal Aged About 37 Years
Constable No. C-62, R/o Village And Post Boriya Police Station
Diamond Harbour Bariya South 24 Pargana West Bengal, District :
North Twenty Four Parganas, West Bengal

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer, G. R. P.
Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. N.K. Mehta, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/09/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.33/2016 registered at Police Station-G.R.P. Raigahr, District – Raigarh(C.G.), for the offence punishable under Sections 221, 222 & 223/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. All the applicants are public servants and presently are performing their duties as police officials. Applicants are ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicants be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The case against the applicants is this that the applicants were bringing in custody one accused Abdul Sheikh Nayeem from Central Jail, Dumdum for the purposes of his appearance before the Special Court Makoka, Mumbai. It is alleged that due to the negligence or connivance of these applicants the accused made his escape from their custody while the train was near Kharsiya station in the State of Chhattisgarh. Hence, this case.
6. Considering on all the material present in the case diary, I am of this opinion that this is a fit case where applicant should be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge