

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

26.08.2019.
45.
as
(Allowed).

C.R.M. 160 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.04.2019 in connection with Kurseong P. S. Case No.130 of 2017 dated 21.07.2017 under Sections 436/120B of the Indian Penal Code read with Sections 8/9/15A/15B of the West Bengal Maintenance of Public Order Act, 1972 and Sections 3 / 4 of the Prevention of Damage to Public Property Act.

In the matter of : Shankar Adhikari.

... Petitioner.

Mr. Y. J. Dastoor, Sr. Adv.,
Mr. Anand Bhandari,
Mr. Urgan Lama,
Mr. Panthu Rai.

...for the Petitioner.

Mr. A. S. Chakraborty, Id. A.P.P.,
Mr. Sagnik Sankar Sikdar.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case due to political ideologies.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner was one of the conspirators in the conspiracy to set the divisioned forest office on fire.

We have considered the materials on record. No overt act has been attributed to the petitioner in the alleged incident of setting the forest office on fire. Although the statement of one of the witnesses disclosed that the petitioner was a member of a group which requested him to join in the act of arson, there is nothing on record to show that the petitioner actually participated in the said illegal activity. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as investigation is complete, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner Shankar Adhikari shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)

