

Shylen Adhikary @ Sailen Adhikary

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

28.08.2019.
21.
as
(Allowed).

C.R.M. 731 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.08.2019 in connection with Samuktala P. S. Case No.153 of 2019 dated 24.06.2019 under Sections 363/365/326/307/34 of the Indian Penal Code.

In the matter of : Jugal Das @ Nalini Das @ Jugal
Kishore Das & Ors.

... Petitioners.

Mr. Arijit Ghosh.

...for the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there was a public outcry against the victim as it was suspected that he had broken the idol of a deity. It is further submitted that the petitioners have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners abducted the victim and brutally assaulted him.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioners that there was public outcry arising out of religious sentiments and in view of the fact that the injuries on the victim do not appear to be grievous, we are inclined in granting anticipatory bail to the petitioners, however, subject to strict conditions so that the presence of the petitioners in the locality may not give rise to further acts of violence.

Accordingly, we direct that in the event of arrest the petitioners viz., Jugal Das @ Nalini Das @ Jugal Kishore Das, Bharat Das, Sanjay Sil, Amiya Chandra Das and Raju Das shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further condition that the petitioners shall not enter the jurisdiction of Samuktala Police Station until further orders except for the purposes of investigation and attending court proceeding and shall provide the address where they shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction they shall reside once in a week until further orders and on further condition that the

petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

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

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)