

15.09.2020
(33) KC

C.R.M. 6482 of 2020
With
CRAN 1 of 2020
(Circuit Bench at Jalpaiguri)
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Madarihat Police Station Case No. 68 of 2020 dated 02.05.2020 under Sections 142/143/145/146/147/186/188/332/353/506 of the Indian Penal Code read with Section 51 of the Disaster Management Act.

In the Matter of : Bhaskar Das and Ors.
.... petitioners.

Ms. Juin Dutta Chakraborty.....For the petitioners.

Mr. Kallol Acharya,
Mr. Sourav Ganguly.....For the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The State seriously opposes the prayer on the ground that the petitioners assaulted on-duty police personnel. The State says that such assailants should not be shown lenience or a wrong message would be sent to the society.

Considering the nature of the incident there may not be any immediate need to detain the petitioners. However, if the charges are proved, appropriate action should be taken against the petitioners.

What is of importance is whether the petitioners' arrest is necessary. Considering the nature of the incident, the petitioners need not be arrested. Further, there does not

appear to be any chance of the petitioners tampering with the evidence or intimidating any likely witness.

In the event of the petitioners being arrested, they will be enlarged on bail upon furnishing security of Rs. 10,000/- (Ten Thousand) each with two sureties of equal amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioners should also abide by the conditions laid down in Section 438(2) of the Code.

CRM 6482 of 2020 and the interim application therein are disposed of.

(SANJIB BANERJEE, J.)

(ANIRUDDHA ROY, J.)