

25.9.2020

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**C.R.M. 7179 of 2020
with
CRAN 1 of 2020**

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khayrasole P.S Case No. 47 of 2020 dated 04.07.2020 under Sections 302/120B of the Indian Penal Code

And

In the matter of: Ganesh Bauri & Anr.

...Petitioners.

Mr. Kunal Ganguly ... For the Petitioners

Mr. Madhusudan Sur
Mr. Dipankar Pramanik ... For the State

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

The petitioners claim that the petitioners have been taken into custody merely because the petitioners may not have danced to the tune of the political party in power in the State.

According to the petitioners, the wife of the victim complained that two other persons had apparently called the victim on their phone and the victim left for their place at night and the victim's body was discovered in the morning. The petitioners claim that the petitioners have no connection with the victim and there is no material against the petitioners.

The State refers to the criminal records of the petitioners and says that the past records of the petitioners

would not inspire any confidence. In short, the State seeks to describe any person who may not toe the line of the present political party in power. The State also refers to the statement of the brother of the victim to the effect that the petitioners attempted to coerce the victim to join the petitioners' gang and the petitioners may have taken action against the victim upon the victim refusing to join the gang.

The statement appears to be mere speculation. The petitioners are in custody for more than 80 days. There is no material that the State can show to demonstrate that the petitioners were involved in the incident, which culminated in the unnatural death of the victim. Merely because the State says that there are other cases pending against the petitioners may not be good reason to detain the petitioners in connection with the present case.

The petitioners will be enlarged on bail upon furnishing security of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate Court in Birbhum. The petitioners will, however, report to the investigating officer as and when called till the investigation is completed.

CRM 7179 of 2020 along with interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)