

6
sg

17-11-2020

Court 12

Allowed

C.R.M. 8149 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Santiniketan Police Station Case No. 138 of 2020 dated 07.09.2020 under Sections 341/506/34 of the Indian Penal Code read with Section 3/4 of the E.S. Act.

Niranjan Bagdi @ Niran Kr. Bagdi & Ors.
Versus
State of West Bengal

Mr. Saryati Datta, Adv.

...for the petitioners.

Mr. Bidyut Kr. Roy, Adv.
Miss. Rita Datta, Adv.

...for the State.

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

The learned Counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in the case and they are innocent.

The learned Counsel for the State opposes the prayer for anticipatory bail. The statements of the witnesses recorded under Sections 161 of the Code of Criminal Procedure implicate the petitioners. He further submits that the petitioners have cooperated with the investigation.

Having regard to the statements made in the FIR and the statements recorded under Section 161 of the Code of Criminal Procedure and the nature and extent of complicity of the petitioners in the commission of the offence, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees

Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail is allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)