

25.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 9136 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 194 of 2020 dated 18.08.2020 under Sections 147/148/149/323/354/379/436 of the IPC, 1860.

And

In the matter of : **Ajay Paramanik & Ors.**

..... Petitioners

Mr. Niladri Sekhar Ghosh

.... for the Petitioners

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali

... for the State

The petitioner undertakes 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.

Learned Advocate for the petitioners submits that they have been implicated in this case mala fide at the instance of the complainant, who initiated this case as a counter blast to the case initiated at the instance of the petitioner no.1.

Mr. Ghosh further submits that the petitioners are the resident of the address indicated and there is no scope of absconson or evading from the process of investigation or trial.

Learned Advocate for the State however opposes the prayer for anticipatory bail and draws the attention of this Court to the statement of the witnesses as also the seizure lists.

We have taken into account the materials collected by the investigating agency more particularly the seizure list so relied upon and having regard to the materials so collected by the investigating agency we are of the opinion that the custodial detention of the petitioners may not be warranted.

Accordingly, the prayer for anticipatory bail of the petitioners is **Allowed.**

In the event of arrest, the petitioners (1. Ajay Paramanik 2. Sarajit Samanta @ Sarazit Samanta 3. Subhashis Mallick 4. Soumen Santra) shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) each, with two sureties of Rs.5000/- (rupees five thousand) each, one of whom must be local to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioners shall not tamper with the evidence or intimidate the witnesses. The petitioners are directed to meet with the investigating officer of the case as and when called for and in case the petitioners fail to comply with the same, the investigating officer or the State shall be at liberty to approach the Learned Magistrate for cancellation of the anticipatory bail.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

With these observations, CRM 9136 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)