

28.01.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Dalkhola** Police
Sl.194 Station **Case No.222 of 2017** dated **22.08.2017** under Sections
Ct.28 **448/427/436/379/34/506** of the Indian Penal Code read with
Section 27 of the Arms Act (G.R. Case **No.2340 of 2017**);

And

In re: Raycharan Biswas @ Raicharan Biswas & Ors.

... petitioners.

Mr. S.N. Arafin

Mr. Partha Chakraborty

Mr. Chayan Debnath

... for the petitioners.

Mr. Saibal Bapuli, Ld.APP

Mr. Soumik Ganguli

...for the State.

The learned advocate for the petitioners submits that the petitioners have been falsely implicated in the instant case due to the previous enmity. Additionally, the learned advocate submits that there has been a deviation in the prosecution story from the First Information Report and there is no issue of extortion involved in the materials collected by the investigating agency.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer and draws attention of the Court to the statement under Section 164 of the Code of Criminal Procedure, the seizure list and the allegations made in the letter of complaint.

We have perused the materials in the case diary, the statements of the witnesses and are, prima facie, of the opinion that the alleged facts require to be scrutinized by the Court, as the subsequent materials collected by the investigating agency though pointing to the accused in the involvement of the offence but the narration of facts initially so stated differs with the subsequent facts which have been suppressed in course of investigation. It is brought to our notice that some of the accused persons who were arrested in connection with the instant case have already been released on bail.

Having regard to the facts that investigation of the case has already been completed, we are of the opinion that custodial detention of the petitioners are unwarranted as such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Raycharan Biswas @ Raicharan Biswas, Ram Ch Biswas @ Ram Charan Biswas, Guru Charan Biswas, Krishna Charan Biswas, Jaycharan Biswas @ Joycharan Biswas, Jaydeb Biswas @ Joydeb Biswas, Sudeb Biswas, Sujan Biswas, Raman Biswas @ Ramandas Biswas and Chandu Biswas @ Chandramohan Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 and on a further condition that the petitioners shall meet the officer-in-charge of Dalkhola Police Station once in a week until further orders..

The application for anticipatory bail being CRM No.385 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)