

10.02.2021
Item No.234
Ct.No.28
Subha
Allowed

C.R.M. 413 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : **Sri Badal Pasi & Anr.**

.....petitioners.

Mr. Debasis Kar
Mr. Husen Mustafi

... For the petitioners.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... For the State.

Apprehending arrest in connection with Bauria Police Station Case No. 108 of 2019 dated 05-07-2019 under Sections 147/148/149/447/427/323/325/354B/379/506 of the Indian Penal Code and Section 3/4 of the E. S. Act and under Section 12 of the POCSO Act, the present application has been preferred.

Mr. Kar, learned advocate appearing for the petitioners submits that there was a political rivalry and the petitioners have been falsely implicated. Their names do not feature in the complaint. The petitioners have no nexus with

the alleged offence and as such their custodial detention is not necessary.

He further submits that the co-accused persons, who are similarly situated with the petitioners have already been granted anticipatory bail.

Mr. Ghosh, learned advocate opposes the petitioners' prayer and draws the attention of this Court to several documents in the case diary.

Having heard the learned advocates and considering the materials available in the case diary, the nature of allegations and as the extent of complicity of the petitioners in the alleged offence is similar to that of the accused persons, who have already been granted anticipatory bail, we are of the opinion that custodial detention of the petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Sri Badal Pasi and Rohit Pasi** shall be released on 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 and a further condition that the petitioners shall meet with the Investigating Officer once in a week until further orders.

The petitioners shall appear before the learned court below and pray for regular bail within a period of six weeks.

The application for anticipatory bail, being CRM 413 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)