

26.02.2021

Item No.34

Ct.No.28

dc.

Allowed

C.R.M. 504 of 2021

(Via Video Conference)

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

And

In Re : **Dipak Saha @ Jhantu Saha & Ors.**

... Petitioners.

Ms. Minoti Gomes

... For the Petitioners.

Mr. Apurba Kumar Datta,
Mr. Sekhar Burman

... For the State.

Apprehending arrest in connection with Dhantala P.S. Case No. 05 of 2020 dated 04.01.2020 under Sections 147/148/149/186/188/353/427/435/436 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the allegation was that a mob had set on fire a thatched hut. No overt act has been attributed to the petitioners. No one got injured in course of the incident. A person similarly situated with the petitioner has already been granted anticipatory bail by a co-ordinate Bench of this Court in CRM 9837 of 2020 and in the said conspectus, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioners in the alleged offence and since a person similarly situated with the petitioners has already been granted anticipatory bail, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Dipak Saha @ Jhantu Saha**, 2. **Aloka Biswas**, 3. **Prakash Bharati**, 4. **Samir Roy @ Sumit Roy**, 5. **Shyam Pal @ Dibyendu Paul** and 6. **Pritikana Pal @ Pritikana Paul** 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. The petitioner nos.1, 3, 4 and 5, namely, Dipak Saha @ Jhantu Saha, Prakash Bharati, Samir Roy @ Sumit Roy and Shyam Pal @ Dibyendu Paul respectively shall meet with the Investigating Officer once a week on and from 2nd March, 2021 until further orders.

The application for anticipatory bail, being CRM 504 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.)