

C.R.M. 1401 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 185 of 2020 dated 25.06.2020 under Sections 448/427/323/354/506/379/332/186/34 of the Indian Penal Code and under Section 12 POCSO Act and under Section 25 / 27 of the Arms Act.

Shasanka Adhikary & Anr.
Vs.
The State of West Bengal

Ms. Koel Mukherjee
Mr. Sayan Mukherjee ... for the petitioners

Ms. Faria Hossain
Ms. Baisali Basu ... for the State

Learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case. In view of this learned counsel for the petitioners submits that petitioners may be granted anticipatory bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for anticipatory bail.

We have gone through the case diary. It appears that the charge sheet has been submitted against the accused persons under Sections 448/427/323/354/506/34 of the Indian Penal Code. Therefore, on submission of the charge sheet the purpose of investigation has been over. The offences are triable by the Magistrate. There is no need for custodial interrogation of the petitioners.

In view of the above, we are inclined to grant anticipatory bail in favour of the petitioners.

In the event of arrest the petitioners shall be released on anticipatory 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, Bagnan Police Station, The petitioners shall also comply with the conditions laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that petitioners shall meet the Investigating Officer once in a week.

The petitioners are directed to surrender before the learned Court below and pray for regular bail within six weeks from date.

The application for anticipatory bail is disposed of.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)