

01.10.2021
Court No.30
Item No.15
SB

C.R.M. 1488 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 703 of 2020 dated 16.08.2020 under Sections 341/323/325/326/307/34 of the Indian Penal Code 1860 read with Sections 25 / 27 of the Arms Act.

Malati Das & Ors.
Vs.
The State of West Bengal

Mr. Tanmay Biswas
Mr. Soupal Chatterjee ... for the petitioners

Mr. Saibal Bapuli
Mr. Soumik Ganguli ... for the State

Learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case. The petitioners are innocent. They were made victim due to village rivalry.

Learned counsel appearing on behalf of the State, however, opposes the prayer for anticipatory bail and has produced the case diary for our consideration. It is submitted that the statements recorded under Section 161 of the Code of Criminal Procedure show that the petitioner no. 5, Hiran Das fired bullets and as a result the victims had suffered injuries.

Considering the involvement of the petitioner no. 5 for the commission of offence and the nature of injuries suffered by the victims, we are not inclined to grant anticipatory bail to the petitioner no. 5, Hiran Das.

However, having regard to the involvement of the other petitioners and the allegations may be omnibus in nature so far as the other petitioners are concerned, we are inclined to grant anticipatory bail to the petitioner no. 1 (Malati Das), Petitioner No. 2 (Chandrana Das), Petitioner No. 3 (Sankari Das), Petitioner No. 4 (Radharani Das), Petitioner No.6 (Sandip Das) Petitioner No. 7 (Somnath Das), Petitioner No. 8 (Chiranjit Das), Petitioner No. 9 (Prasenjit Das), Petitioner No. 10 (Indrajit Das), Petitioner No.11 (Adyanath Das), Petitioner No. 12 (Sibprasad Das), Petitioner No.13 (Sibranjan Das).

In the event of arrest the petitioner no. 1 (Malati Das), Petitioner No. 2 (Chandrana Das), Petitioner No. 3 (Sankari Das), Petitioner No. 4 (Radharani Das), Petitioner No.6 (Sandip Das) Petitioner No. 7 (Somnath Das), Petitioner No. 8 (Chiranjit Das), Petitioner No. 9 (Prasenjit Das), Petitioner No. 10 (Indrajit Das), Petitioner No.11 (Adyanath Das), Petitioner No. 12 (Sibprasad Das), Petitioner No.13 (Sibranjan Das) 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, Chanchal 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 petitioner nos. 5 to 13 shall not enter into the jurisdiction of Chanchal Police Station excepting the purpose to meet the Investigating Officer once in a week.

This order shall remain valid eight weeks from date in which the petitioners will obtain regular bail from the learned Trial Court.

The application for anticipatory bail is disposed of.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)