

CRM No.1743 of 2021

Via video conference

31.05.21

(S.R.)

Sl.30

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhagwanpur** Police Station Case **No.9 of 2020** dated **15.01.2020** under Sections **341/323/325/326/307/363/379/34** of the Indian Penal Code, 1860;

And

In re: Chandan Maity @ Sambhu Maity & Ors. ... petitioners.

Mr. Siddhartha Sarkar ... for the petitioners.

Mr. Arijit Ganguly

Mr. A. Ghatak

...for the State.

Mr. Sarkar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against them are in the abstract and there is no incriminating material against them. The petitioners have no antecedents and there is also no possibility of the petitioners to flee from justice. In the said conspectus, their custodial interrogation is not necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Chandan Maity @ Sambhu Maity, 2. Chitta Ranjan Sahu @ Chitta Sahoo, 3. Biman Sahoo, 4. Jayanta Sahoo @ Jayanta Sahoo and 5. Goutam Kumar Maity @ Goutam Maity**, 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 with the investigating officer twice a week on and from 7th June, 2021 until further orders.

It is also directed that the petitioners shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever.

In the event the petitioners fail to comply with the above directions, without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.1743 of 2021 is allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)