

18.06.2021

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SKB/AB

**CRM No. 2126 of 2021**  
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No. 25 of 2020 dated 14.01.2020 under Sections 302/120B of the Indian Penal Code.

And

In Re:- Bholanath Sarkar @ Tera Bhola @ Tera Vola and another

... Petitioners

Mr. Souvik Mitter,  
Mr. Liton Maitra,  
Ms. Rajnandini Das

... for the petitioners

Mr. Madhusudan Sur,  
Mr. Dipankar Pramanick

...for the State

Learned Advocate for the petitioners submits that they are in custody for four months in connection with the aforesaid case. It is further submitted that the other co-accused stand on the same footing had already been enlarged on bail and some of them got the anticipatory bail and the order granting anticipatory bail was assailed before the Supreme Court, which was subsequently rejected.

Learned Advocate for the State though opposes the prayer for bail, but fairly submits that the petitioners stand on the same footing that of the other co-accused, i.e. Dipankar Chatterjee @ Chattopadhyay.

After hearing the respective submissions and upon perusal of the orders passed by this Court as well as the Supreme Court in connection with the proceeding pertaining to the co-accused, we find that the State initially challenged the order granting anticipatory bail to one of the co-accused by filling a Special Leave Petition before the Supreme Court being Special Leave to Appeal (Criminal) No. 2654 of 2021. By an order dated 5<sup>th</sup> April, 2021 the Apex Court disposed of the aforesaid Special Leave Petition without interfering with the order granting anticipatory bail, but with specific observation that whatever has been observed in the said order is mere tentative and the formation of the prima facie opinion and have no impact at the time of trial.

Since the petitioners stand on the same footing that of the other co-accused, who have already been enlarged on bail, we do not find any justification in rejecting the prayer of the petitioners. Accordingly, the prayer for bail of the petitioners is allowed.

We thus enlarge the petitioners, **Bholanath Sarkar @ Tera Bhola @ Tera Vola and Jakir Sk. @ Kankata Jakir** on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat subject to the condition that they will meet the Officer-in-Charge of Santipur Police Station

once in a week until further orders and on further condition that they shall not leave the territorial jurisdiction of the said police station without the leave of the Court or the Magistrate, as the case may be. Apart from the same, the petitioners shall make themselves available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle them to the privilege of bail granted by this Court without further reference to this Court.

The application for bail, being CRM 2126 of 2021, is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)