

04.06.2021
Court No.28
Item No. 34
Krishnendu
Allowed

**CRM 2386 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Nilmadhab Chowdhury & Anr.**

Petitioners

Mr. Sukanta Chakraborty

Mr. Mirza Firoj Ahmed Begg

For the Petitioners

Mr. Saibal Bapuli

Mr. Soumik Ganguly

For the State

Apprehending arrest in connection with Kankartala Police Station Case No. 78 of 2020 dated 24.12.2020 under sections 341/325/326/304/120B of the Indian Penal Code, the petitioners have filed the present application.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in an incident, which occurred on 22nd December, 2020. One Raju Bagdi expired due to a motor cycle accident. The principal accused is one Mithun Bagdi. He further submits that the petitioners have been entangled in this case due to political grudge and rivalry. Furthermore, the petitioners are the residents of Khayrasole police station, which is 25 kilometers away from the place of occurrence. In view thereof, custodial interrogation/detention of the petitioners is not necessary.

Mr. Bapuli, learned advocate appearing for the State denies the submission of the petitioners and submits that there are materials on record, which clearly reveal the involvement of the petitioners in the alleged offence. In support of such contention, he has drawn our attention to the post mortem report. Let the documents, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie from the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure, it appears that one Mithun Bagdi is the principal accused. He has already been enlarged on bail. Considering the nature of allegations levelled against the petitioners and the extent of their complicity in the alleged offence, we are of the opinion that custodial interrogation/detention of the petitioners is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Nilmadhab Chowdhury and Lakshmi Kanta Bauri @ Laxmikanta Barui**, 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 with a further condition that the petitioners shall meet with

the Investigating Officer of this case once a week on and from 10th June, 2021 until further orders.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend the learned Trial Court on all the dates, as specified for hearing.

In the event they fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 2386 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.

(Shampa Sarkar, J)
Chakraborty, J)

(Tapabrata