

22.09.2021
Item no.35
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2453 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 05.03.2021 in connection with Jhalda Police Station Case No. 05 of 2021 dated 12.01.2021 under Sections 186/353/332/333/307/502/120B of the Indian Penal Code.

And

In the matter of : Kumud Ranjan Tewari & Others.

.....Petitioners.

Mr. Pawan Kr. Gupta, Advocate,
Mr. Sougata Mitra, Advocate,
Mr. Rameshwar Sinha, Advocate,
Ms. Jahanara Begum, Advocate,

.....for the Petitioners.

Mr. Prasun Kr. Datta, Ld. A.P.P.,
Mr. S. Roy, Advocate,

.....for the State.

The petitioners say that they have been falsely implicated in this case. The allegation is that the police people went to take possession of a land. There was a brawl with the local people including the petitioners. One of the police personnel was injured. The petitioners further contend that if the original injury report is produced, it will appear that the concerned police person was in inebriated condition which

excited the local people and that is how the police person suffered injury which was simple in nature.

We have seen the material in the case diary. We have seen the injury report that is available in the case diary. Even that injury report does not show that any significant injury was suffered by the victim. We are told that two of the other accused persons have been granted bail by the learned Trial Court.

On an overall assessment of the facts and circumstances of the case, the material on record and the possible extent of complicity of the petitioners in the alleged offence, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigation Officer.

Accordingly, in the event of arrest, the petitioners namely **Kumud Ranjan Tewari, Aswini Tewari @ Aswini Kumar Tewari, Raghab Tewari @ Roghab Tewari, Tarulata Tewari, Gambhir Tewari, Sanat Tewari, Krishna Tewari @ Krishnad Tewari** and **Mansaram Tewari** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further conditions that the petitioners, except petitioner no.4 (Tarulata Tewari), shall meet

the Investigating Officer once every fortnight and as and when called for till investigation is over.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2453 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)