

65. 06.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2583 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **10/03/2021** in connection with **Bagnan Police Station Case No. 198 of 2020** dated **05/07/2020** under Sections **147/148/326/307/379/427/506** of the Indian Penal Code read with Sections **25/27** of the Arms Act, 1959 and Section **9(b)** of the Indian Explosives Act, 1884.

And

In the matter of: - **Sri Swarup Khanra**

....petitioner.

Mr. Dipanjan Chatterjee,
Mr. Kaushik Dey

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Mrs. Sujata Das

...for the State.

The petitioner is one among several co-accused persons, who have been implicated in the present complaint. Learned Counsel for the State submits that several people went in a body to a village, intimidated the villagers, shot at them and injured several persons. Learned Counsel for the State further submits that gunshot injury was inflicted upon one of the victims. Learned Counsel for the petitioner submits that the other accused persons who stand on the same footing, have been granted anticipatory bail by the Court below.

We have considered the material in the Case Diary. There is no specific implication of the petitioner in the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. Other co-accused persons have been granted

anticipatory bail. The petitioner appears to be similarly circumstanced with the said co-accused persons.

In the facts and circumstances and considering the entire material on record we are inclined to hold that the petitioner may be granted anticipatory bail so long as he co-operates with the Investigating Officer as we are told that charge-sheet has not yet been filed.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

In case the petitioner fails 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 C.R.M. 2583 of 2021 is, thus, **allowed**.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)