

29.09.2021
Item no.35
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3269 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.04.2021 in connection with Raiganj Police Station Case No. 610 of 2017 dated 03.09.2017 under Sections 143/147/148/149/153A/353/332/325/333/307/302 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act.

And

In the matter of : Naresh Sarkar @ Alok Sarkar & Ors.

.....Petitioners.

Mr. Anindya Ghosh, Advocate,
Mr. Sudip Guha, Advocate,

.....for the Petitioners.

Mr. P.K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy, Advocate,

.....for the State.

The petitioners are four out of several accused persons. We are told that twenty-one persons have been charge-sheeted including the petitioners.

The petitioners say that the incident was a fight between two groups practicing different religions. It was a free fight. A number of persons were injured. One person died. The petitioners did not play any active role. They were only part of one of the groups.

We have seen the material in the case diary including the statements of witnesses. Although the petitioners have been named in some of the statements, no specific overt act has been attributed to them. Charge-sheet has been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the opinion that immediate custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners namely **Naresh Sarkar @ Alok Sarkar, Pintu Sarkar, Bablu Sarkar @ Babul Sarkar** and **Basudeb Kumar Roy** 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.

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 3269 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.)

