

27.08.2021
Item no. 06
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3928 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 07.06.2021 in connection with Jangipara Police Station Case No. 73 of 2021 dated 03.04.2021 under Sections 341/323/325/354/307/427/34 of the Indian Penal Code.

And

In the matter of : Sadish Kumar China @ Sadesh

Kumar China & Ors.

.....Petitioners.

Mr. Sourav Chatterjee, Advocate,
Mr. Shibaji Kumar Das, Advocate,
Ms. Rupsa Sreemani, Advocate,
.....for the Petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Avijit Ganguly, Advocate,
Mr. Sanjib Kr. Dan, Advocate,
.....for the State.

The charge against the petitioners is under several Sections of the Indian Penal Code including Sections 323/325/307 of the Code. The petitioners say that the incident was a fallout of political rivalry. The petitioners and their associates also suffered injuries.

The State produces the case diary. We have gone through Injury Report. The injuries suffered by the victim are simple in nature.

On an overall assessment of the material in the case diary and the nature of allegations against the petitioners which are general and omnibus in nature, although charge sheet is yet to be filed, we are of the view that immediate custodial interrogation of the petitioners is not necessary so long as they co-operate with the investigating officer.

Accordingly, in the event of arrest, the petitioners 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 3928 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.)

