

07.12.2021
Court No.32
rpan / **205**

C.R.M. 5436 of 2021

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

And

In re: **Bapi Ray @ Shuvabrata Ray & Others**

- Petitioners

Mr. Shibaji Kumar Das

....for the Petitioners.

Mr. Bidyut Kumar Roy,

Ms. Sima Biswas

....for the State.

Apprehending arrest in connection with Chakdah Police Station Case No. 356 of 2021 dated 05.08.2021 under Sections 447/506/34 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary and submits that investigation is not yet complete.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we

are of the opinion that custodial interrogation is not necessary. However, the movement of the petitioners needs to be restricted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Bapi Ray @ Shuvabrata Ray, Bhaskar Dey @ Tanu Dey, Suman Debnath** and **Pritam Das**, 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 they shall not enter the jurisdiction of Chakdah Police Station, save and except for meeting with the investigating officer once a week on and from 14th December, 2021 till investigation is complete. The petitioners shall also immediately intimate the address where they would be residing to the investigating officer of the case.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below 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. 5436 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)