

CRM 5781 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Panchanan Samanta & Ors.**

..... petitioners

Mr. Tushar Kanti Har
Mr. Sudip Kumar Chakraborty

.....For the petitioners

Mr. Imran Ali
Mr. Mirza Firoj Ahmed Begg

.....For the State

Apprehending arrest in connection with Daspur Police Station Case No. 04/2020 dated 02.01.2020 under Sections 143/149/323/325/354B/427/506 of the Indian Penal Code, the present application has been preferred.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in a complaint lodged belatedly. There is a subsisting dispute amongst the parties pertaining to a land and a civil suit is also pending. Upon completion of investigation, charge sheet has been submitted and as such, custodial detention of the petitioners is not warranted.

Learned advocate for the State opposes the prayer for anticipatory bail and draws our attention to several documents in the case diary and the statement of the witnesses.

Having heard learned advocates for the respective parties and considering the materials in the case diary, the nature of

allegations, the extent of complicity of the petitioners in the alleged offence and as the dispute has a civil profile, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Panchanan Samanta, Uttam Santra and Gopa Karak @ Shambhunath Karak** 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, 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 5781 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.)