

CRM 6603 of 2021
(via video conference)

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

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

..... petitioners

Mr. Nonigopal Chakraborty

.....For the petitioners

Mr. Madhusudan Sur, Ld. APP

Mr. Manoranjan Mahata

.....For the State

Apprehending arrest in connection with Keshpur Police Station Case No. 88 of 2021 dated 1st April, 2021 under Sections 143/149/302/120(B) of the Indian Penal Code, 1860, the present application has been preferred.

The learned advocate appearing for the petitioners submits that there was a subsisting political rivalry between the parties and in view thereof, the petitioners have been falsely implicated. No overt act has been attributed. Co-accused person, similarly situated with the petitioners, has already been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Sur, learned Additional Public Prosecutor appearing for the State draws our attention to the statements of the eye witnesses and the contents of the complaint. He submits that the name of one Susanta Dolai features in the eye witnesses'

statements and as such, he is not similarly situated with the persons who have been granted anticipatory bail.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, from the statements of the eye witnesses it appears that one Susanta Dolai of village Dadpur was involved in the alleged offence. However, the petitioner no. 11, namely, Susanta Dolai appears to be a resident of Harihar Chak. Upon assessment of the role of the petitioners, it appears that they are similarly situated with the co-accused person, who has been granted anticipatory bail. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted more so when upon completion of investigation, charge sheet has also been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Anil Samanta, Ranajit Dolai, Rampada Pandit, Swapan Dolai, Ananta Dolai, Sanatan Palmal, Bidesh Palmal, Prabir Dolai, Prahallad Dolai, Akash Bag, Susanta Dolai, Niranjan Bag, Asit Barman Bag alias Asit Bag, Sanjoy Bag, Joydeb Dolai alias Jaydeb Dolai** and **Sakti Dolai alias Saktipada Dolai** 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 6603 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.)