

16.12.2021
Sl. No.116
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[PARTLY
ALLOWED]

C. R. M. 6667 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.09.2021 in connection with Kanksa Police Station Case No. 233 of 2021 dated 10.08.2021 under Sections 147/148/149/186/332/353/506 of the Indian Penal Code read with Section 3 of the PDPP Act and Section 51(b) of the Disaster Management Act and Section 18 of the West Bengal State Highways Act.

And

In Re: ***Firoz Sk. @ Firaj Sk. & Ors.***

... .. Petitioners

Mr. Abhijit Kumar Adhya

... .. for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P

Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioners that there was spontaneous agitation and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that under the leadership of the petitioner nos. 1 & 9 an unruly mob assaulted police personnel. Police personnel suffered injuries.

We have considered the materials on record including the statements of witnesses who disclose predominant role of the petitioner nos.1 & 9 in assaulting police personnel who suffered injuries. In view of the gravity of the offence and prima facie involvement of the petitioner nos.1 & 9 in the alleged crime, we are of the opinion that this is not a fit case to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the accused/petitioner nos.1 & 9 namely, **(1) Firoz Sk. @ Firaj Sk. & (9) Shukur Mohammed Sekh @ Bolai** is rejected.

However, keeping in mind the extent of complicity of the petitioner nos. 2,3,4,5,6,7,8,10 & 11 in the alleged crime, we are inclined in granting anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the accused/petitioners namely **(2) Monirul Sk. @ Mithu, (3) Rupan Mallick @ Kalo, (4) Hasibul Sk. 2 Toton, (5) Tapan Molla, (6) Saiful Molla @ Miraj, (7) Firoj Sekh @ Firoz Sk. (8) Animesh Dey, (10) Dil Bhar Sk. @ Babu & (11) Sk. Saddam** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 2,3,4,5,6,7,8,10 & 11 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)