

08.12.2021
Court No.32
Item No. 176
Avijit Mitra

C.R.M. 6801 of 2021 (via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Tapan Santra

Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Sampurna Chatterjee,
Mr. Selim Malik

For the Petitioner

Mr. Neguive Ahmed,
Ms. Amita Gaur

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Khanakul P.S. Case No. 179 of 2021 dated 04.05.2021 under sections 147/148/448/302/354(B)/427/379/506 of the Indian Penal Code and under Sections 3/4 of the Explosive Substances Act.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the parties were involved in a political rivalry. The allegation is that a mob of 46 persons attacked a group and ultimately one succumbed to the injuries. All the allegations are omnibus in nature and no overt act has been attributed to the petitioner herein. He is already in custody for 164 days and upon completion of investigation chargesheet has already been submitted. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code, the injury report as well as the *post-mortem* report.

He further submits that in view of the incriminating materials on record, the petitioner is not entitled to the relief, as prayed for.

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

Prima facie, it appears that there was a political rivalry between the parties and possibility of implication of the petitioner due to such subsisting enmity, cannot be totally ruled out. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted, more so when upon completion of investigation chargesheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Tapan Santra**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly with a further condition that the petitioner shall not enter the jurisdiction of Khanakul Police Station without the leave of the learned Court below.

The petitioner is also directed to attend the learned trial court on all the dates, as specified for hearing and shall not

intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 6801 of 2021, is 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)