

14.12.2021

Court No.32

rpan / **02**

CRM 7033 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandigram Police Station Case no.122 of 2021 dated 27.03.2021 under Sections 341/323/325/307/427/379/506/109/34 of the Indian Penal Code, 1860 adding Section 302 of the Indian Penal Code, 1860 [G.R. Case No.463 of 2021];

And

In Re : **Suvendu Pradhan & Another**

- Petitioners.

Mr. Sandipan Ganguly, Ld. Sr. Adv.,

Mr. Mrityunjoy Chatterjee,

Mr. Debapriya Majumder,

Mr. S. Basu Roy

... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Madhusudan Sur,

Mr. Dipankar Paramanick

... for the State

Mr. Ganguly, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties. The petitioners have not been named in the FIR and test identification parade was not conducted. They have been falsely implicated on an allegation that they were part of the mob which inflicted injury upon the deceased, who expired about 15 days after the incident. No overt act has been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioners, who are in custody for more than 240 days, is not warranted.

He further submits that one Gouri Shankar Jana (in short, Gouri) and one Narayan Shankar Das (in short, Narayan) had already been enlarged on bail by the learned court below and one Radha Kanta Das @ Mithun (in short, Radha) was also enlarged

on bail by a coordinate Bench of this Court and all of them are similarly situated with the petitioner and as such on the ground of parity the petitioners may be granted bail on any stringent condition.

Mr. Mukherjee, learned Public Prosecutor, appearing for the State vehemently opposes the petitioners' prayer and submits that being oblivious of the actual facts Gouri was granted bail and steps have been taken for cancellation of bail of Gouri. The other accused persons, namely, Narayan and Radha were granted bail as Gouri's prayer was allowed.

Drawing our attention to the statements of the witnesses and the seizure list, he submits that the direct involvement of the petitioners in the alleged offence cannot be ruled out and as such, they are not entitled to the relief as prayed for.

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

Prima facie, it appears that no overt act has been attributed to the petitioners herein. They were a part of the mob consisting of members of different political outfits. Upon cumulative assessment of the materials in the case diary and the role of the petitioners herein, it appears that the extent of their complicity is similar to that of Gouri, Narayan and Radha, who were enlarged on bail. Considering the nature of allegations and the period of detention already suffered, we are of the opinion that further detention of the petitioners is not warranted, more so when, upon

completion of investigation, charge sheet has been submitted. However, to instill confidence in the mind of the witnesses their movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioners, namely, **Suvendu Pradhan** and **Nemai Samanta @ Nimai Sadhan Samanta**, shall be released on bail upon furnishing a bond of Rs.20,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur with further conditions that they shall not enter the jurisdiction of Nandigram Police Station until further orders and shall also intimate the address where they would be residing to the Officer-in-charge, Nandigram immediately.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7033 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)