

25.11.2021
Court No.32
rpan / **140**

C.R.M. 7123 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Bankim Das & Others**

- Petitioners

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani

....For the Petitioners.

Md. Anwar Hossain,
Mr. P. Talukdar

....For the State.

Apprehending arrest in connection with Ranaghat Police Station Case No. 299 of 2021 dated 05.09.2021 under Sections 304/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to a previous enmity pertaining to land. The complaint was lodged as a counter blast to an earlier complaint lodged by the petitioners herein. The allegations are omnibus in nature and as such, custodial interrogation is not necessary. He further submits that death was due to cerebral attack about five days after the alleged incident.

Mr. Hossain, learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to several documents in the case diary. He further submits that investigation is yet not complete and as such, the petitioners are not entitled to the privilege of anticipatory bail.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, it appears that specific act has been attributed to the petitioner no.1 and as such, we are not inclined to grant anticipatory bail to the petitioner no.1, namely, **Bankim Das**, more so, when investigation is yet to be completed. Accordingly, his prayer for anticipatory bail is rejected.

Considering the nature of allegations as levelled against the petitioner nos.2 and 3, we are of the opinion that their custodial interrogation is not warranted and their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner nos.2 and 3, namely, **Lalit Chandra Das @ Salil Chandra Das** and **Kalyan Das** respectively, shall be released on bail upon furnishing a bond of `10,000/- each with two sureties of like amount each, one of whom must be local, to 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 with a further condition that the said petitioners shall meet with the investigating officer once a fortnight on and from 6th December, 2021 till the investigation is complete.

It is further directed that the petitioner nos.2 and 3 shall attend the learned Trial Court on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner nos.2 and 3 fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court 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 No. 7123 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.)