

30.06.2021

30
tkm/sdas
Allowed

C.R.M. 8936 of 2020
(via video conference)

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

And

In Re: Panchu Sarkar @ Panchu Gopal Sarkar & Ors.
....petitioner
S.

Mr. Kallol Kumar Basu,
Md. Jannal UI Firdous

...for the petitioners.

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu

...for the State.

Apprehending arrest in connection with Basirhat P.S. Case No. 271 of 2020 dated 25.02.2020 under Sections 307/120B/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act and under Sections 3/4 of the E.S. Act, the petitioners have filed the present application.

Records revealed that the matter was heard on 24th November, 2020 and the investigating authorities were directed not to arrest the petitioners till the next date of hearing. The petitioners were also directed to meet the investigating officer once in a week and as and when called for, for the purpose of investigation.

Mr. Basu, learned advocate appearing for the petitioners submits that the petitioners have duly complied with the directions as contained in the earlier order of this Court dated 24th November, 2020. He further

submits that the petitioners have been falsely implicated in the instant case. The allegations levelled are *omnibus* in nature and they have been roped in on the basis of mere suspicion.

Learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to several documents in the case diary. However, he does not dispute the fact that the petitioners have met with the investigating officer in terms of the earlier direction of this Court.

We have heard the learned advocates and considered the materials in the case diary. Mere presence near the place of occurrence, even believed to be true, may give rise to a suspicion but would not *prima facie* justify a case of conspiracy. Considering the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Panchu Sarkar @ Panchu Gopal Sarkar, 2. Bachhu Kahar and 3. Mannan Gazi** 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, 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.

The petitioners shall not enter the jurisdiction of Basirhat P.S. save and except for meeting with the investigating officer once in a week on and from 12th July, 2021 until further orders and they shall intimate the address where they would be residing to the investigating officer within a week from date.

The petitioners shall appear before the trial court on all the dates of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is further made clear that in the event they fail to comply with the conditions, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without any further reference to this Court.

The application for anticipatory bail being CRM 8936 of 2020 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)