

26.03.2021
Court No.28
Item No. 23
Krishnendu
Allowed

CRM 9651 of 2020
(Via video Conference)

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

And

In Re : **Bhakti Bhusan Nayek & Ors.**

Petitioners

Mr. Rameshwar Sinha
Sk. Abu Jafar

For the Petitioners

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

For the State

Apprehending arrest in connection with Kharagpur (Local) P.S. Case No. 845 of 2019 dated 10.12.2019 under sections 143/148/149/341/307/326 and 506 of the Indian Penal Code, 1860, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against them are unfounded. Co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail by a co-ordinate Bench of this Court by an order dated 9th July, 2020 in CRM 4871 of 2020.

The learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and since co-accused persons similarly situated have already been granted anticipatory bail, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and

circumstances of this case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Bhakti Bhusan Nayek, Sudhansu Nayek and Samar Nayek**, 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 application for anticipatory bail, being CRM No. 9651 of 2020 is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)