

11.02.2021
Court No.28
rpan
01 & 02
(Via Video Conference)

C.R.M. 10684 of 2020

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

And

In Re : **Swapan Kumar Payra @ Swapan Payra & Others**

...Petitioners.

With

C.R.M. 9901 of 2020

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

And

In Re : **Satyaranjan Giri & Others**

...Petitioners.

Mr. Sandipan Ganguly,

Mr. Sourav Chatterjee,

Mr. Soumya Nag

....for the petitioners

in CRM 10684 of 2020.

Mr. Milan Mukherjee,

Mr. Mangaljit Mukherjee,

Mr. Dattatreya Dutta

....for the petitioners

in CRM 9901 of 2020.

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

Mr. Madhusudan Sur,

Mr. Manoranjan Mahata

....for the State

in CRM 10684 of 2020.

Mr. Saibal Bapuli,

Ms. Sayanti Santra

....for the State

in CRM 9901 of 2020.

Mr. Angshuman Chakraborty,

Mr. S. S. Saha

....for the De Facto / Complainant

(in both matters).

Apprehending arrest in connection with Maipith Coastal Police Station Case no.58 of 2020 dated 04.07.2020 relating to offences punishable under Sections 147/148/149/325/302 of the Indian Penal Code, the petitioners have filed two anticipatory

bail applications, being CRM 10684 of 2020 and CRM 9901 of 2020.

Pursuant to the earlier order dated 9th February, 2021, the Deputy Inspector General of Police (Special), CID, West Bengal is personally present in Court. His personal appearance is dispensed with.

We have considered the submissions of the learned advocates appearing for the petitioners in both the applications, who emphasise that the petitioners have been falsely implicated in the instant case due to political rivalry. The learned advocates insisted to rely upon the charge-sheeted witnesses, on whom the prosecution has relied upon for implicating the present petitioners.

Mr. Mukherjee, learned senior counsel appearing for the petitioners in CRM 9901 of 2020 further submits that as the investigation has been completed, custodial interrogation of the petitioners are not warranted.

We have perused the statements of Lob Manna, Rabi Kanta Manna and Lal Mohan Dandapat from the original case diary and on a perusal and appreciation of the same, we have found that the petitioners are allegedly involved in the commission of offence.

Considering the nature of allegations, the complicity of the present petitioners in the alleged offence and the incriminating materials appearing against the petitioners, we are of the opinion that the petitioners are not entitled to the privilege of

the anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

The original case diary is handed over to Mr. Sur, learned advocate appearing for the State in CRM 10684 of 2020.

Office is directed to send down the lower court records as expeditiously as possible.

Both the applications for anticipatory bail, being CRM 10684 of 2020 and CRM 9901 of 2020, are disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)