

25.02.2021  
Court No.28  
Item No. 45  
Krishnendu  
Allowed

**C.R.M. 10712 of 2020  
(Via Video Conference)**

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

And

In re: Swapan Kumar Sahoo @ Swapan Sahoo  
@ Swapan Kumar Shaw & Ors.  
Petitioners

Mr. Ravi Ranjan Kumar

For the Petitioners

Mr. Saibal Bapuli, Id. A.P.P.  
Mrs. Sayanti Santra

For the State

Apprehending arrest in connection with Sagar Police  
Station Case No. 90 of 2020 dated 22.06.2020 under Sections  
452/188/332/353/325/326/307/354B/379/427/436/120B of the  
Indian Penal Code , section 51(b) of Disaster Management Act  
and Section 3 of Prevention of Damage to Public Property Act,  
1984, the petitioners have filed the present application.

The learned advocate for the petitioners submits that in  
the complaint it has been alleged that about 125 persons  
under the leadership of one Rishita Patra attacked the  
panchayat office and in the tussle, several persons were  
injured. No overt act has been attributed to the petitioners  
herein. Persons similarly situated had already been granted  
anticipatory bail by a co-ordinate Bench of this Court. In view

thereof, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioners and draws our attention to the injury reports.

We have perused the injury reports as well as the earlier order passed by a co-ordinate Bench of this Court in CRM 7395 of 2020. Considering the petitioners' claim in the light of the facts and circumstances of this case, we are of the opinion that custodial detention of the petitioners is not necessary, more so, when similarly situated persons have been granted anticipatory bail. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. **Swapan Kumar Sahoo @ Swapan Sahoo @ Swapan Kumar Shaw, Sk. Motleb, Saidul Kha @ Sk. Seidul Khan, Parbati Das, Sumita Das, Amar Chandra Das @ Amar Das, Jagannath Das, Sambhu Charan Das @ Shambhu Das, Susanta Das, Samir Das, Basudeb Das, Madhusudan Das, Tapati Das, Sujit Das, Pratima Giri ,Sanjay Giri and Sk. Rafikul @ Sk. Rafik**, 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 10712 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.)