

04.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Chanchal** Police
Sl.22 Station Case **No.702 of 2020** dated **16.08.2020** under Sections
Ct.28 **186/353/332/333/307/34** of the Indian Penal Code, 1860 R/w
Sections **25/27** of the Arms Act;

And

In re: Chandana Das & Ors.

... petitioners.

Mr. Soupal Chatterjee

... for the petitioners.

Mr. Rudradipta Nandy

...for the State.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. The principal accused persons have already been enlarged on bail by the learned Sessions Court. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code.

Upon perusal of the materials in the case diary, *prima facie*, it appears that no overt act has been attributed to the petitioner no.3 and considering the fact that the petitioner no.1 is a woman, we are of the opinion that custodial interrogation of the petitioner nos.1 and 3 is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner nos.1 and 3, namely, **Chandana Das** and **Somnath Das** 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.

However, there are materials on record, which disclose the direct involvement of the petitioner nos.2, 4 and 5, namely, **Siburanjan Das, Sandip Das and Adyanath Das** and as such, the application so far as the said petitioners are concerned is rejected.

Accordingly, the application for anticipatory bail being CRM No.10732 of 2020 is partly allowed.

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.)