

11.03.2021
Court No.28
rpan /**39**
(Via Video Conference)

C.R.M. 10913 of 2020

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

And

In Re : **Ramesh Hazra & Others**

....Petitioners.

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee
....for the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... for the State.

Apprehending arrest in connection with Khanakul P. S.
Case No.309 of 2019 dated 02.11.2019 under Sections
143/341/186/353/323/325/307/332/427/504/506/34 of the
Indian Penal Code and Sections 3/4 of the Prevention of
Damage to Public Property Act, 1984, the petitioners have filed
the present application.

Mr. Ghosh, learned advocate appearing for the petitioners
submits that during pendency of the present application, the
petitioner nos.1 and 6 have already been arrested. In view
thereof, the present application so far as the petitioner nos.1
and 6, namely, **Ramesh Hazra** and **Sanjay Malik** respectively
are concerned is dismissed as “not pressed”.

The learned advocate appearing for the petitioners submits
that the petitioners have been falsely implicated. Allegations
levelled against them are unfounded. No grievous injury was

inflicted upon any person on the place of occurrence. In the said conspectus, custodial interrogation of the petitioner nos. 2-5 and 7-9 is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury reports, photographs and other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, injury reports and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioner nos. 2-5 and 7-9 is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner nos. 2-5 and 7-9 is **allowed**.

Accordingly, in the event of arrest the petitioner nos. 2-5 and 7-9, *viz.*, **Mantu Pakhira, Tapan Pakhira, Manoj Pakhira, Naba Kumar Dolui, Gour Santra @ Gouri Santra, Sunil Singh and Sumitra Santra** respectively, 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 and a further condition that the petitioner nos. **2-5** and **7-8** shall meet with the Officer-in-charge of the Khanakul Police Station

once in a week on and from 20th March, 2021 until further orders.

The application for anticipatory bail, being CRM 10913 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.)