

11.03.2021
Item no.55
Court No.28
Avijit Mitra

C.R.M. 10954 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bagnan Police Station Case No.182 of 2020 dated 24.06.2020 under Sections 143/269/271/332/186/283/188 of the Indian Penal Code along with Section 8(b) of the National Highway Act;

And

In Re : Soumitra Khan & ors.

.... Petitioners

Mr. Koel Mukherjee

...for the petitioners

Mr. Swapan Banerjee,

Mr. Suman De

...for the State

Learned advocate appearing for the petitioners submits that no overt act has been attributed to the petitioners and they have been falsely implicated and in view thereof, custodial interrogation of the petitioners is not warranted.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations against the petitioners, the injury reports and the extent of complicity of the petitioners in the alleged offences, we are of the opinion that their custodial interrogation is not

warranted in the facts and circumstances of the instant case. Accordingly prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Soumitra Khan, Sashanka Adhikary @ Sasanka Adhikary and Soumajit Ghosh @ Soumyajit Ghosh @ Soumya Kanti Mondal**, shall be released on anticipatory 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 on further condition that the petitioners shall meet the investigating officer as and when called for.

Accordingly, the application being C.R.M. No.10954 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)