

23.09.2021
Court No.01
Item No. 05
Partly Allowed
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 256 of 2021

With

**C.R.A.N. 1 of 2021
(Via Video Conference)**

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

And

In Re : **Abinash Barman & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Biswarup Roy

For the State

Apprehending arrest in connection with Sahebganj Police Station

Case No. 521 of 2020 dated 18.11.2020 under sections

143/186/188/322/353/307 of the Indian Penal Code, 1860, the

petitioners have filed the present application.

On the prayer of Mr. Guha, learned advocate appearing for the petitioners, the application in respect of the petitioner nos. 4, 5, 21 and

25, namely, **Liton Das, Sujan Das @ Babua Das, Santosh Barman and Paritosh Barman**, are **dismissed** as '**not pressed**'.

Mr. Guha submits that the petitioners have been falsely implicated on the basis of political rivalry between the parties. The allegations are omnibus in nature and upon completion of investigation, charge sheet has also been submitted. In view thereof, custodial interrogation of the petitioners is not necessary.

Mr. Roy, learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to the injury report and other materials in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, particularly, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioner nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 and 25 is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 and 25 namely, **Abinash Barman, Dino @ Dinohari Barman, Ananta @ Alonto Barman, Bappa Barman, Chiranjit Barman, Mitku Barman @ Joyonta Kumar Barman, Prasenjit Barman, Swapan Barman, Jagat Barman, Profullya Barman @ Profullya Chandra Barman, Hemanta Barman, Arjun Barman, Biplab Barman, Uttam Barman, Machur Ali @ Manchur Ali, Chhoban Ali, Nalani Sen @ Nalini Sen, Amal Barman @ Amal Kanti Roy, Manik Barman, Ranjit Barman @ Ranjit Kumar Barman, Hossain Ali and Harisankar Barman**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 .

The application for anticipatory bail, being C.R.M. No. 256 of 2021, and the connected application, being C.R.A.N. 1 of 2021, are, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)