

11. 13.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 770 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **22/07/2021** in connection with **Tufanganj Police Station Case No. 251 of 2021** dated **08/05/2021** under Sections **436/307/506/34** of the Indian Penal Code read with Sections **3/4** of Explosive Substances Act, 1908.

And

In the matter of: - **Partha Sarathi Saha & Ors.**

....petitioners.

Mr. Hillol Saha Podder,
Ms. Arpita Saha

...for the petitioners (through V.C.).

Mr. Nilay Chakraborty,
Ms. Namrata Das

...for the State (through V.C.)

The petitioners are ten out of several accused persons. The allegation is that they owe allegiance to a particular political party and they ransacked and set on fire the office of a rival political party.

The prayer for anticipatory bail is vociferously opposed by learned Counsel for the State.

We have seen the material in the Case Diary including statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have considered the nature and

seriousness of the allegations and the possible complicity of the petitioners in the alleged offence. We are told that other accused persons, who stand on the same footing, have been granted bail by the learned Court below as also by this Court in C.R.M. 730 of 2021.

On an overall consideration of the facts and circumstances of the case, we are of the view that the prayer of the petitioners may be allowed so long as they co-operate with the investigation in right earnest.

Accordingly, in the event of arrest, the petitioners 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 770 of 2021 is, thus, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)