

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

24.09.2021

Court No.01
rpan /21

C.R.M. 888 of 2021

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

And

In Re : **Susanta Barman @ Sushanta Barman & 13 Others**
- Petitioners.

Mr. Sudip Guha

... for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Aniruddha Biswas

... for the State.

Apprehending arrest in connection with Dinhata Police Station
Case No.114 of 2021 dated 13.03.2021 under Section 307 of the
Indian Penal Code, 1860 read with Sections 3/4/5 of the Explosive
Substance Act [G.R. case no.122 of 2021], the petitioners have filed
the present application.

Mr. Guha, learned advocate appearing for the petitioners
submits that there was a political rivalry amongst the parties and the
petitioners have been falsely implicated. No one suffered any injury in
the alleged incident and no overt act has also been attributed to the
petitioners herein. In view thereof, custodial interrogation of the
petitioners is not necessary.

Mr. Biswas, learned advocate appearing for the State opposes
the petitioners' prayer and draws our attention to several documents
in the case diary including the statements of the witnesses, as
recorded under Section 161 of the Code. He submits that at the place
of occurrence bombs were hurled. However, no person had been
injured. He further submits that investigation is still in progress.

Having heard the learned advocates and considering the materials in the case diary, including the statements of the witnesses, as recorded under Section 161 of the Code, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary. However, their movements need to be restricted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Susanta Barman @ Sushanta Barman, 2. Haradhan Barman, 3. Gobinda Barman, 4. Sanjit Barman, 5. Niranjana Chandra Barman @ Niranjana Barman, 6. Nilambar Barman, 7. Alimuddin Miya, 8. Ajit Mahanta, 9. Abul Hoosain @ Abul Hossain, 10. Kanak Das, 11. Ratan Barman, 12. Nayan Barman, 13. Purnananda Barman and 14. Kajol Das @ Kajal 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 with a further condition that they shall not enter the jurisdiction of Dinhata Police Station, save and except for meeting with the Investigating Officer of the case once in a week on and from 30th September, 2021 until further orders.

The petitioners shall also immediately intimate the address where they would be residing to the Investigating Officer.

The application for anticipatory bail, being CRM 888 of 2021 is, thus, allowed.

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.)