

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

24.09.2021

Court No.01
rpan / 19

C.R.M. 880 of 2021

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

And

In Re : **Kanak Das & 5 Others**

- Petitioners.

Mr. Sudip Guha

... for the petitioners.

Mr. Abhijit Sarkar,

Mr. Saikat Chatterjee

... for the State.

Apprehending arrest in connection with Dinhata Police Station
Case No.117 of 2021 dated 15.03.2021 under Sections
448/427/307/506/34 of the Indian Penal Code, read with Sections
3/4 of the Explosive Substance Act, the petitioners have filed the
present application.

The learned advocate appearing for the petitioners submits that
there was a political rivalry amongst the parties and the petitioners
have been falsely implicated. The allegations are omnibus in nature
and in view thereof, custodial interrogation of the petitioners is not
necessary.

Mr. Sarkar, learned advocate appearing for the State opposes
the petitioners' prayer and draws our attention to the statements of the
witnesses, as recorded under Section 161 of the Code. He, however,
submits that there was an attempt on the part of the petitioners to
assault the *de facto* complainant.

We have heard the learned advocates and considered the
materials in the case diary. *Prima facie*, in view of the political rivalry

amongst the parties, false implication of the petitioners cannot be totally ruled out and there is no likelihood that the petitioners would flee from justice. As such, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Kanak Das, 2. Ajit Mahanta, 3. Niranjan Barman, 4. Alimuddin Miya, 5. Nilambar Barman** and **6. Apu Mahanta** 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.

The application for anticipatory bail, being CRM 880 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.)