

28.09.2021
Court No.01
Item No. 30
Allowed
Krishnendu

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

C.R.M. 948 of 2021

(Via Video Conference)

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

And

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

Petitioners

Mr. Sarwar Jahan

Mr. Firoze Hassan

For the Petitioners

Mr. Niloy Chakraborty

Mr. Tapan Bhattacharjee

Mr. Aniruddha Biswas

For the State

Apprehending arrest in connection with Dinhata Police Station Case No. 469 of 2021 dated 08.09.2021 under sections 448/427/435/34 of the Indian Penal Code and sections 3 and 4 of the Explosive Substances Act, the petitioners have filed the present application.

Mr. Jahan, learned advocate appearing for the petitioners submits that the petitioner nos. 1 to 5 are the members of Okrabari Gram Panchayat and the petitioner no. 6 is the husband of another member of the Gram Panchayat, namely, Babita Bibi. All the petitioners have been falsely implicated in view of an existing political dispute. No overt act has been attributed to the petitioners and the sole intent of the *de facto* complainant is to prevent the petitioners from participating in the meeting

scheduled on 5th October, 2021 for election of a new Pradhan. The earlier Pradhan was removed by a resolution adopted in a meeting scheduled on 9th September, 2021. In the said meeting the petitioners were the requisitionists. For convening the said meeting, the petitioners had to approach the Hon'ble High Court by a writ petition, being W.P.A. 1191 of 2021, which was disposed of by an order dated 31st August, 2021. In the backdrop of the above sequence of facts, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that there are incriminating materials on record against the petitioners. Investigation is still in progress and as such the petitioners are not entitled to the relief, as prayed for. In support of such arguments, reliance has been placed upon the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure and the seizure list.

In reply, Mr. Jahan informs this Court that prior to the date fixed for removal of the earlier Pradhan, some of the petitioners were also implicated in another criminal case in which they were granted anticipatory bail by a co-ordinate bench of this Court on 25th August, 2021.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the possibility of false implication of the petitioners, owing to the political enmity, cannot be totally ruled out.

Considering the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that the petitioners may be granted anticipatory bail on stringent conditions.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, **Bhola Barman, Majidul Hoque @ Babu, Milan Sarkar, Sahir Uddin Miah @ Chhahiruddin Miah , Monwar Hossain @ Manwor Hossain and Manu Rahaman**, 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 and on further condition that the petitioners shall meet with the Investigating Officer of this case once a week on and from 1st October, 2021 until further orders.

The application for anticipatory bail, being C.R.M. 948 of 2021, is disposed of accordingly.

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.)