

28.01.2022
Ct. No. 32
37
sdas

C. R. M. (A) 38 of 2022
[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: *Mohan Karak & Ors.*

... .. Petitioners

Mr. Rameshwar Sinha

... .. for the petitioners

Mr. Debabrata Chatterjee
Ms. Debjani Sahu

... .. for the State

Apprehending arrest in connection with Keshpur Police Station Case No. 264 of 2019 dated 13.10.2019 under Sections 341/326/307/506/34 of the Indian Penal Code and Section 25/27 of the Arms Act, the present application has been preferred.

Mr. Sinha, learned advocate appearing for the petitioners, submits that the petitioners have been falsely implicated due to political rivalry. Allegations are omnibus in nature. Upon completion of investigation charge-sheet has also been submitted and as such custodial interrogation is not necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the injured witnesses as well as the injury reports.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, it appears that one Tarak Jana is the principal accused as

he allegedly fired the gun. Considering the nature of allegations as levelled against the petitioners herein and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary more so when upon completion of investigation charge-sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Mohan Karak* (2) *Haripada Dolai* (3) *Sk. Asabuddin @ Kalo* and (4) *Kangsha Singh* 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 a 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.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM (A) 38 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

