

01.02.2022

Court No.32
rpan/15

C.R.M. (A) 75 of 2022

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

And

In re: **Sri Dinabandhu Bera & 16 Others**

- Petitioners

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha

... for the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State.

Apprehending arrest in connection with
Mahishadal Police Station Case No.91 of 2020 dated 11.05.2020
under Sections 341/ 323/ 325/ 326/ 307/ 380/ 427/ 186/ 353/
332/ 333/ 120B/ 188/ 269/ 270 of the Indian Penal Code, the
petitioners have filed the present application.

Mr. Chattopadhyay, learned advocate appearing for the
petitioners submits that a liquor shop was sought to be opened
during the pandemics. Such act was protested against by the local
people. In the said dispute, the petitioners have been falsely
implicated. No specific overt act has been attributed to them and
upon completion of investigation charge sheet has also been
submitted and in view thereof, they may be granted anticipatory
bail.

Mr. Roy Chowdhury, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to the
statements of the witnesses and particularly, the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the injury report, 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 warranted, more so when, upon completion of investigation, charge sheet has already been submitted. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Sri Dinabandhu Bera, Sri Anath Bandhu Bera, Sri Srikanta Guchait, Sk. Muralim, Kohinur Bibi, Tapan Manna @ Baidyanath Manna, Sri Biswanath Manna, Sri Sukumar Bera, Janpirani Bera @ Parbati Bera, Debranjana Tung, Haradhan Bera, Madan Jana @ Chandan Kumar Jana, Sk. Ramjan, Harasankar Bera, Anup Kumar Manna, Amina @ Saima Bibi and Krishna Pada @ Krishna Prasad Samanta** 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.

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

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

The application for anticipatory bail, being CRM (A) 75 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.)