

06.06.2022

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C.R.M.(A) 2329 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chitpur Police Station Case No. 76 of 2022 dated 06.05.2022 under Sections 143/147/148/149/332/353 of the Indian Penal Code.

And

In Re : Jyotirmay Singh Mahato & Ors. petitioners

Mr. Kallol Mndal
Mr. Krishnendu Bhattacharya
Mr. Lokenath Chatterjee
Mr. Amajit De
Mr. Gouranga Kumar Das
Mr. Sukanta Ghosh
Mr. Subhajit Das
Mr. Anirban Mitra

.....for the petitioners

Mr. Rudradipta Nandy, learned APP
....for the State

It is submitted by the learned Counsel appearing for the petitioners that one Arjun Chourasia, a political activist, had been murdered. Over this issue there was agitation for a fair and impartial investigation. Police authorities tried to cover up the incident and pass it off as suicide. Public interest litigation was instituted over the incident and orders were passed therein. As the petitioners had protested against the partisan approach of the police, have been falsely implicated in the instant case.

Learned Additional Public Prosecutor submits that the petitioners had illegally obstructed police officers in discharging

public duty. They tore their uniform and physically assaulted them.

We have considered the materials on record. Over the death of a political activist there was commotion in the locality. A public interest litigation was also instituted praying for free and impartial investigation by an independent agency in the matter. Allegation of indiscriminate assault of police personnel by a mob does not find support from the medical papers placed before us. Possibility of false implication of the petitioners due to their political affiliation cannot be wholly ruled out. Under such circumstances, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they shall meet the investigating officer once in a week until further orders and shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

