

C.R.M. (A) 2975 of 2022

24.06.2022
Sl. 10
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Binpur** Police Station Case No. **32** of **2022** dated **28.04.2022** under Sections **147/148/149/323/326/307/333/353/332/186/120B/506** of the Indian Penal Code, **25/27** of Arms Act, **3** of PDPP Act and **9** of MPO Act.

And

In the matter of: **Timir Pratihari & Ors.**

....petitioners.

Mr. Soumyajit Das Mahapatra

...for the petitioners.

Mr. Neguive Ahmed

Ms. Ayantika Ray

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He refers to a previous police complaint and a mass petition over the issue.

Learned Additional Public Prosecutor draws the attention of the Court to the materials in the case diary and the statements of the two police personnel recorded under Section 161 of the Code of Criminal Procedure. He submits that the situation was such that no other independent witness came forward to record statement.

On a query of the Court, learned Additional Public Prosecutor is unable to draw the attention of the Court to any statement of any independent person with regard to the incident.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we grant 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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, 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 and on condition that the petitioners will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 2975 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)