

20.01.2022

Court No.32
rpan/247

C.R.M. 6792 of 2021

[Through Video Conferencing]

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

And

In re: **Narottam Biswas & 19 Others**

- Petitioners

Ms. Sananda Bhattacharyya

... for the Petitioners.

Mr. Binay Panda,

Ms. Pushpita Saha

... for the State.

Mr. Uday Sankar Chattopadhyay,

Mr. Santanu Maji,

Ms. Trisha Rakshit

... for the *De Facto* Complainant.

Apprehending arrest in connection with
Santipur Police Station Case No.471 of 2020 dated 25.10.2020
under Sections 447/325/326/307/427/506/34 of the Indian Penal
Code, 1860 and Sections 3/4 of the Explosive Substances Act,
1908, the petitioners have filed the present application.

Ms. Bhattacharyya, learned advocate appearing for the
petitioners submits that the petitioners have been falsely
implicated. The allegations are omnibus in nature. No specific
overt act has been attributed to the petitioners. The incident
occurred on 25th October, 2020, however, the victim expired on 27th
February, 2021 due to multi-organ failure. No post-mortem
examination was conducted. Upon completion of investigation

charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not necessary.

She further submits that the principal accused persons, namely, Bijoy Biwas and Joy Kumar Biswas have already been arrested and are in custody.

Ms. Saha, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code. She further submits that there are incriminating materials on record against the petitioners and a prayer for further investigation has already been allowed. In view thereof, the petitioners are not entitled to the relief as prayed for.

Mr. Chattopadhyay, learned advocate appearing for the *de facto* complainant submits that the victim was brutally murdered. The petitioners are absconding and proclamation has been issued against them.

However, Ms. Saha has not been able to apprise this Court as to whether any proclamation has been issued against the petitioners.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, upon assessment of the statements of the witnesses as recorded under Sections 161 and 164 of the Code, we find that no specific overt act has been attributed to the petitioners. The principal accused persons are already in custody. Bearing in mind the nature of allegations, in the light of the submissions made

by the parties and in view of the fact that upon completion of investigation charge sheet has been submitted, we are of the opinion that custodial interrogation is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Narottam Biswas, Samar Sarkar @ Shyama, Somnath Halder @ Laltu, Raju Halder @ Kalu, Mantu Biswas, Tapas Sarkar, Uttam Biswas, Ganesh Sarkar, Pratap Sarkar, Bhajan Sarkar, Abhijit Sarkar, Sona Sarkar, Abhijit Sarkar @ Biswajit, Shyam Das @ Kele, Narayan Sarkar, Subrata Sharma @ Baltu, Bapan Sarkar, Ananta Sarkar, Deba Sarkar and Pradip Pramanick** 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 with further conditions that they shall not enter the jurisdiction of Santipur Police Station until further orders and shall also intimate the address where they would be residing to the Officer-in-charge, Santipur Police Station immediately.

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

It is made clear that in the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the

learned trial court 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 No. 6792 of 2021 is, thus, allowed.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)