

CRM No.7431 of 2021

Via video conference

23.02.22

(S.R.)

Sl.237

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nandigram** Police Station Case No.122 of 2021 dated 27/03/2021 under Sections 302/341/323/325/307/427/379/506/109/34 of the Indian Penal Code (corresponding to G.R. Case No.463 of 2021;

And

In re: Netai Bera @ Nitai Bera & Anr.

... Petitioners.

Mr. Rajdeep Mazumder

Mr. Pritam Roy

Ms. Arushi Rathore

... for the petitioners.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State.

Mr. Mazumder, learned advocate appearing for the petitioners submits that the petitioner nos.1 and 2 are languishing in custody for 311 days and 284 days respectively. Upon completion of investigation charge sheet has already been submitted. Drawing our attention to the charge sheet, he submits that the petitioners are similarly situated with one Suvendu Pradhan and one Bishnupada Bera, who have already been granted bail by different Coordinate Benches of this Court. While granting bail to the latter, namely, Bishnupada Bera the State had accepted the contention of the petitioner therein that he is similarly situated with the other co-accused persons, who have already been granted bail by other Coordinate Benches. The fact that the petitioners are similarly situated with Suvendu Pradhan and Bishnupada Bera would also be explicit from the statements of the eyewitnesses. In the said conspectus, the petitioners may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State, however, opposes the petitioners' prayer and submits that cancellation of bail

applications have been preferred against the orders passed in favour of Narayan Chandra Das and Gourisankar Jana by the learned court below. There are strong incriminating materials on record against the petitioners. He further submits that in view of the gravity of the offence and the extent of complicity of the petitioners in the alleged offence, they are not entitled to the relief, as prayed for. He further submits that the order passed by a Coordinate Bench of this Court granting bail to one, Radhakanta Das has already been assailed before the Hon'ble Supreme Court.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Records reveal that while granting bail to Suvendu Pradhan, the fact that steps have been taken for cancellation of bail of Gourisankar Jana was brought to the notice of the Court.

Upon assessing the materials on record, *prima facie*, it appears that the role assigned to the petitioners is similar to the other co-accused persons, who have already been granted bail by different Coordinate Benches of this Court as well as by the learned court below. The petitioners were a part of the mob consisting of members of different political outfits. Considering the nature of accusations, the period of detention and since upon completion of investigation charge sheet has already been submitted, we are of the opinion that further detention of the petitioners is not necessary.

Accordingly, we allow this application and direct that the petitioners, namely, **Netai Bera @ Nitai Bera** and **Ranjan Samanta @ Laba @ Naba**, 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 learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur with further conditions that they shall not enter the jurisdiction of Nandigram Police Station until further orders and shall also intimate the address where they would be residing to the Officer-in-charge, Nandigram immediately.

It is further directed that the petitioners shall attend the learned court below on all the dates, as 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 court below would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7431 of 2021 is 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.)