

20.01.2022

Court No.32
rpan/ 260

C.R.M. 8103 of 2021

[Via video Conferencing]

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

And

In re: **Anju Kar @ Aniruddha Kar & 4 Others**

- Petitioners

Mr. Tirthapati Acharyya,

Mr. Abdur Rakib

... for the Petitioners.

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

... for the State.

Apprehending arrest in connection with Nanoor Police Station Case No.72 of 2021 dated 06.05.2021 under Sections 341/325/326/302 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Rakib, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties and the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, the medical reports and the post-mortem report.

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

Prima facie, the allegations appear to be omnibus in nature. No specific overt act has been attributed to the petitioners.

Considering the manner in which the offence has taken place and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not warranted, more so when, upon completion of investigation, charge sheet has been submitted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Anju Kar @ Aniruddha Kar, Pranab Kumar Laha, Khelaram Majhi, Biswajit Saha and Tanmoy Chaudhury** 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 No. 8103 of 2021, is, thus, disposed of.

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.)