

CRM 8896 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Subhendu Mishra & Ors.**

..... petitioners

Mr. Soumyajit Das Mahapatra

.....For the petitioners

Ms. Faria Hossain

Ms. Baisali Basu

.....For the State

Apprehending arrest in connection with Jhargram Police Station Case No. 306/2021 dated 09.12.2021 under Sections 447/448/323/325/326/379/354/427/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners have been roped in in view of previous enmity. There are four sets of cases and counter-cases amongst them. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that the victim was severely injured and was hospitalized for about 15 days. In support of such contention she has drawn our attention to the injury report. She further submits that there are incriminating materials on record and as such, the

petitioners are not entitled to relief, as prayed for moreso when investigation is not yet complete.

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

Prima facie, no specific overt act has been attributed to the petitioner no. 2. Considering the nature of accusations, we are of the opinion that custodial interrogation of the petitioner no. 2 is not necessary. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner no. 2, namely, **Subal Bera @ Kajal** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 a further direction that the petitioner no. 2 shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner no. 2 shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner no. 2 fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in

accordance with law, without further reference to this Court.

Prima facie, we find strong incriminating materials on record against the petitioner nos. 1, 3 and 4, namely, **Subhendu Mishra, Tarak Pramanik @ Taru Pal** and **Raju Srivastava @ Kanchan Bera** and as such, we are not inclined to exercise any discretion in their favour moreso when investigation is still continuing.

The application for anticipatory bail, being CRM 8896 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)