

28.01.2022
Item no. 05
Court No.32
Avijit Mitra

C.R.M. 8902 of 2021 (Through Video Conferencing)

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

And

In Re : Pallab Nandy & ors.

.... petitioners

Mr. Amajit De

....for the petitioners

Mr. N.P. Agarwala,

Mr. Pratick Bose

..... for the State

Apprehending arrest in connection with Jangipara Police Station Case No.74 of 2021 dated 04.04.2021 under Sections 448/325/307/427/379/34 of the Indian Penal Code, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties and the petitioners have been falsely implicated. Co-accused persons, similarly situated with the petitioners, had already been granted anticipatory bail by a Coordinate Bench of this Court. In view thereof, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury report.

Upon assessing the materials on record *prima facie*, we find that the extent of complicity of the petitioners is similar to that of other co-accused persons, who have already been granted anticipatory bail. The allegations also appear to be

omnibus in nature. In view thereof, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Pallab Nandy, Meghnath Roy, Tarun Bagui, Biswanath Nangal, Puspendu Bagui @ Bhagat, Dipankar Malik @ Dipu and Shiburam Santra** 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 with a further condition that the petitioners shall meet with the Investigating Officer of the case once a week till investigation is complete.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence 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 would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8902 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.)

