

27.01.2022
Item no.22
Court No.32
Avijit Mitra

C.R.M. 8944 of 2021 (Through Video Conference)

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

And

In Re : Rohit Halder & ors.

.... petitioners

Mr. Manas Kumar Das,
Mr. Sumanta Das

...for the petitioners

Mr. Rudradipta Nandy

...for the State

Apprehending arrest in connection with Bhimpur Police Station Case No.288 of 2021 dated 14.10.2021 under Sections 341/325/326/307/506 & 34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioners submits that there was a free fight between the members of two groups pertaining to operation of a sound system and the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners. Pertaining to the same incident, another complaint was also lodged on behalf of the petitioners herein, who also suffered injuries. In the said conspectus, custodial interrogation may not be necessary and the petitioners may be granted anticipatory bail on any stringent condition.

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

He further submits that there are incriminating materials-on-record against the petitioners and as such they are not entitled to the relief as prayed for.

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

Prima facie, it appears that no specific overt act has been attributed to the petitioners herein. There was a hot altercation between the parties and the incident occurred on the spur of the moment. Considering the nature of accusations, the manner in which the offence has taken place and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary. However, the petitioners' movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Rohit Halder, Sanojit Halder alias Sanat, Subhojit Halder alias Chaipa alias Tapa and Paritosh Sadhukhan**, 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 direction that the petitioners shall not enter the jurisdiction of Bhimpur Police Station save and except for meeting with the Investigating Officer of the case once a week till investigation is complete. They shall intimate the address where they would be residing to the Investigating Officer immediately.

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.8944 of 2021 is allowed.

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

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)