

CRM 8954 of 2021
(via video conference)

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

In the matter of : **Dinabandhu Doloi & Ors.**
..... petitioners

Mr. Amitabha Karmakar
.....For the petitioners

Mr. Navanil De
.....For the State

Apprehending arrest in connection with Daspur Police Station Case No. 100/2021 dated 24.02.2021 under Sections 341/323/325/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioners submits that there was a land dispute between the parties and the petitioners have been falsely implicated. The complaint had been belatedly lodged and such delay has also not been explained. No specific overt act has been attributed to the petitioners herein. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. De, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injury, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Dinabandhu Doloi, Prasad Singha, Biswajit Hait, Chintamoni Hait, Jahar Singha, Dilip Jana, Asima Singha, Nilmoni Hait** and **Nemai Hait** 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 not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 8954 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.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)