

01.12.2022

Serial no. 15

[Dd]

*Petn. No. 3-5 **not pressed***

*Petn. Nos. 1, 2 and 6-16- **Allowed**)*

CRM (A) 5578 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nandigram** Police Station Case No. **1453** of **2022** dated **11.11.2022** under Sections **341 /323 /326 /307 /435 /427 /504/506/120B** of the Indian Penal Code read with Sections **25/ 27** of the Arms Act and **3/ 4** of the Explosive Substances Act, 1908 (corresponding to G.R. case no. **2710/22**)

-And-

In the matter of : **Swadesh Ranjan Das Adhikary & Ors.**

... .. Petitioners

*Mr. Rajdeep Majumder,
Mr. Sourav Chatterjee,
Mr. Pritam Roy, Advocate*

... .. For the Petitioners

*Mr. Rudradipta Nandy, Id. APP
Ms. Sreeparna Das, Advocates
... ..For the State*

CRM (A) 5578 of 2022 is dismissed as not pressed so far as the petitioner no. 3 (Gouranga Mondal), petitioner no.4 (Kartik Barik) and petitioner no.5 (Sanjib Mondal) are concerned as they stand arrested.

Learned advocate appearing for the petitioners submits that remaining petitioners i.e petitioner no. 1 (Swadesh Ranjan Das Adhikary), petitioner no. 2 (Shyama Prasad Maity alias Shyampada Maity), petitioner no. 6 (Shankar Das alias Shibsankar Das), petitioner no. 7 (Ashis Makur), petitioner no. 8 (Shankar Bhunia), petitioner no. 9 (Animesh Karan), petitioner no. 10 (Madhusudan Das alias Mandhu Das), petitioner no. 11 (Gopal Pradhan), petitioner no. 12 (Laltu Munian alias Nantu Munian), petitioner no. 13 (Rakesh Bera alias Rakesh Chandra

Bera), petitioner no. 14 (Dinabandhu Mondal), petitioner no. 15 (Suman Chakraborty) and petitioner no. 16 (Srikanta Pramanik) stand on the same footing as that of the other co-accused who was enlarged on anticipatory bail by an order dated November 17, 2022 passed in CRM (A) 5277 of 2022.

Learned advocate appearing for the State submits that subsequent to order dated November 17, 2022, there are two statements recorded under Section 164 of the Criminal Procedure Code implicating the remaining petitioners.

The incident relates to a stage of a political party allegedly set on fire.

Mischief of fire is bailable.

The injury report of the victim does not suggest that the victim suffered grievous hurt. Other co-accuseds were enlarged on anticipatory bail by the order dated November 17, 2022.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioner nos. 1, 2 and 6 to 16 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1, 2 and 6 to 16 shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner nos. 1, 2 and 6 to 16 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos. 1, 2 and 6 to 16 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner nos. 1, 2 and 6 to 16 is **allowed**.

CRM (A) 5578 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)