

12.05.2022

Item no.11

Court No.01

Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 250 of 2022

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

And

In Re : Rabindra Sutradhar & ors.

.... petitioners

Mr. Sabir Ahmed,
Mr. Hillol Saha Poddar,
Mr. Sayantan Bhowmik,
Ms. Mousumi Das

....for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

..... for the State

Apprehending arrest in connection with Boxirhat Police Station Case No.444 of 2021 dated 11.12.2021 under Sections 147/148/149/325/326/307/302/34 of the Indian Penal Code, the present application has been preferred.

Mr. Ahmed, learned advocate appearing for the petitioners submits that due to a political rivalry the alleged complaint was lodged against 59 persons. The names of the petitioners have transpired on the basis of co-accused statement. No specific overt act has been attributed to the petitioners. The principal accused persons are in custody. Upon completion of investigation chargesheet has already been submitted and as such, custodial interrogation of the petitioners may not be necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code.

Answering our query he submits that there had been no recovery from the petitioners herein and that upon completion of investigation chargesheet has been submitted.

We have perused the materials in the case diary, particularly, the statement of the injured, namely, Hanif Khan wherein names of the petitioners do not feature. It appears that there had been no seizure from the petitioners. The allegations are omnibus in nature and no specific overt act has been attributed to the petitioners. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Rabindra Sutradhar, Tapan Saha, Nripendra Saha and Jahurul Islam Talukdar @ Jahurul Talukdar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 with a further condition that the petitioners shall not enter the jurisdiction of Boxirhat Police Station until

further orders and they shall also attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

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 petitioners' bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 250 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)