

05.04.2023

3 & 4
Ct. No. 29
CHC

C.R.R.953 of 2023

In the matter of: The Hon'ble Court on its own motion

Vs.

Bhuban Pal @ Arup Kumar Pal

With

C.R.M. (A) 1038 of 2023

In the matter of: Riju Pal & ors.

..... petitioners

Mr. Debashis Roy,
Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey,
Ms. Aparna Chakraborty,
Ms. Monami Mukherjee

....for the accused/opposite party

Mr. Joydeep Roy,
Ms. Sujata Das

....for the State

Report as called for by the order dated March 31, 2023
filed in Court be taken on record.

Co-accused against whom the Rule was issued was
granted anticipatory bail by Order no.2, dated January 5, 2023
passed in Criminal Misc. Case No.6922 of 2022. While granting
anticipatory bail to such co-accused, learned Sessions Judge
considered the materials in the case diary and opined that, the
injuries sustained by the victim were not so grievous so as to
attract Section 307 or 326 of the Indian Penal Code, 1860.

The victim suffered multiple fracture injuries. Injuries were suffered by the victim on his head also.

The finding of the learned Sessions Judge that nature of injury was not so grievous so as to attract Section 307/326 of the Indian Penal Code, 1860, in our view is perverse given the materials in the case diary and in particular the injury report of the victim.

During the pendency of the Rule, an opportunity was granted to the co-accused against whom the Rule was issued, to submit materials before the Investigating Officer to substantiate his claim that such co-accused was not involved in the incident.

Pursuant to such leave the co-accused submitted various materials before the Investigating Officer. Investigating Officer submitted report with regard thereto which the Court took on record in the opening paragraph of this order.

Report classifies seven materials. According to the report, the injury that such co-accused suffered was on November 16, 2022 while date of incident is November 27, 2022. According to the Investigating Officer the x-ray report of such co-accused with regard to injury suffered on November 16, 2022 is without any direct connection with the present case. The video footage submitted with the Investigating Officer by such co-accused was seen and although the authenticity could not be verified, it was found that the same may be edited one. The photographs of mass protest according to the Investigating Officer was without

any connection with the present case. Two separate police cases were again without any connection with the present case. According to the Investigating Officer, the incident was carried in the media and therefore, the occurrence of the incident as involved in the present police case was true.

In view of the impugned order of the learned Sessions Judge dated January 5, 2023 granting anticipatory bail to Bhuban Pal @ Arup Kumar Pal being perverse, we deem it appropriate to cancel the anticipatory bail to such co-accused. All consequential steps taken pursuant to such order granting anticipatory bail are also cancelled.

Such co-accused will surrender before the jurisdictional Court within seven (07) days from date.

CRR 953 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)