

28.04.2023

Sl.23

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1827 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jagaddal** Police Station Case No. **372 of 2019** dated **28.04.2019** under Sections **302/120B** of the Indian Penal Code.

And

In the matter of: **Santosh Kumar Singh @ Santosh Nath Singh @ Santosh Singh**

....petitioner.

Mr. Brajesh Jha

Mr. Abhijit Saha

Mr. Neel Chakraborty

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP

Ms. Sonali Das

...for the State.

This is the second application for anticipatory bail at the behest of the petitioner. The first application was initially rejected and thereafter the order of rejection recalled with the consent of the learned Advocate appearing for the State. Thereafter, such application was allowed to be withdrawn with liberty to file afresh in view of the mistakes in the pleadings contained in the body of the petition.

Learned Advocate appearing for the petitioner submits that the petitioner is being hounded out due to his political ideology. Petitioner is being roped into in different criminal proceedings falsely. The petitioner was in police custody for two periods in respect of another criminal case of the same police station between the period January 25, 2021 and January 26, 2021 and between the period November 5, 2022 and December 20, 2022. In the event the police genuinely required the custody of the petitioner, then the

police were at liberty to obtain the custody of the petitioner since the petitioner was arrested in a separate police case of the same police station. The police did not take such steps.

Learned Advocate appearing for the petitioner points out that the charge sheet was made ready on September 20, 2019 and that the charge sheet was forwarded on May 20, 2022 and that the charge sheet was received by the jurisdictional Court on October 16, 2022.

Learned Advocate appearing for the State draws the attention of the Court to the several statements recorded under Section 161 of the Code of Criminal Procedure of eye-witnesses implicating the petitioner.

As noted above, charge sheet in respect of the police case was made ready on September 20, 2019 where the petitioner is named as an accused. Such charge sheet was received by the jurisdictional Court on October 16, 2022.

In the interregnum the petitioner was in custody on January 25, 2021 till January 26, 2021 as well as for the period between November 5, 2022 and December 20, 2022. Police did not take any steps to secure the arrest of the petitioner in respect of the present police case.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the

Code of Criminal Procedure, 1973 and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1827 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)