

07.07.2023
Sl. No.58
as
[ALLOWED]

C. R. M. (A) 2789 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 13.06.2023 in connection with Barabani Police Station Case No. 77 of 2023 dated 10.06.2023 under Sections 341/324/325/307/506/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re: ***Swapan Kumar Roy @ Swapan Roy & Ors.***
... .. Petitioners

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Ayan Mondal.

... .. for the petitioners

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Anindya Sundar Chatterjee.

... .. for the State

Petitioners submit they were assaulted by de-facto complainant and his associates while they had gone to collect nomination papers. They have been falsely implicated. They pray for anticipatory bail.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. It appears there was a free fight. Case and counter case were registered. Injuries do not appear to be grievous. Possibility of false implication due to political rivalry cannot be ruled out.

Under such circumstances, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the accuseds/petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners, while on bail, shall meet the Investigating Officer once in a week until further orders. They shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)