

13.
23-08-2023
(ct. no.29)
Sayandeep
Allowed

CRM(A) 3001 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **nalhati Police Station** Case No. **184 of 2017** dated **02.06.2017** under Sections **147/448/427/353** of the Indian Penal Code.

- A n d -

In the matter of : Kabirul Islam@Chottu

.... Petitioner.

Mr. Amal Kr. Banerjee

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

... for the State.

1. Heard learned counsel for both the parties.
2. The report filed by the learned counsel for the State be taken on record.
3. In a mob agitation in the spot locality for non-supply of electricity, some staff of the electricity department are alleged to have been assaulted and some public property are alleged to have been damaged. The co-accused persons are stated to have been released on anticipatory bail earlier and some have been released on regular bail.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned

ACJM, Rampurhat, Birbhum within 15 days from today in the G.R. Case No. 556 of 2017 arising out of aforesaid P.S. case. On his surrender and application for bail he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. Before parting with the order, we find that at the relevant time of filing of charge-sheet, one Biplab Mukherjee was the I.O. of the present case. In the charge-sheet, status of the present petitioner, is shown as arrested. Page-43 of the C.D., we find that I.O. has shown that he interrogated the present petitioner in jail. Showing the present petitioner as J.C. accused. As this fact was submitted before co-ordinate Bench, earlier prayer for anticipatory bail of the present petitioner was dismissed as infructuous vide order dated 12.02.2020 in CRM 1538 of 2020. For the negligence of the I.O., a valuable right of the present petitioner was seriously infringed.
6. In view of such laxity, we direct the D.G. of Police to initiate disciplinary proceeding against the aforesaid Biplab Mukherjee wherever he is posted now and the proceedings in accordance with law be initiated within a period of three months from the date of receipt of a copy of this order. The fact regarding initiation of disciplinary proceeding against Biplab Mukherjee, I.O. of the case

shall be communicated to learned P.P. within 15 days of the initiation of the proceeding.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 3001 of 2023 is disposed of.
9. Department is directed to supply a copy of this order to the DGP, West Bengal forthwith.
10. The learned court below is directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)