

16.08.2023

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Allowed

C.R.M. (A) No. 3540 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 736 of 2023 dated 13.07.2023 under Sections 448/341/332/353/186/34 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act.

And

In Re : Nimai Kabiraj @ Nimai Chandra Kabiraj & Ors. petitioners

Mr. Kallol Mondal
Mr. Krishan Roy
Mr. Souvik Das
Mr. Anamitra Banerjee

.....for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

....for the State

1. Learned Counsel for the petitioner submits that they had objected to corrupt practices during the Panchayat election. As a result they have been falsely implicated in the instant case.

2.Learned Counsel for the State submits BDO and others were assaulted.

3.We have considered the materials on record. Injuries appearing from the medical report do not appear to be serious. Statements of witnesses do not attribute specific overt act to the petitioners. Possibility of false implication in the light of the submission that the petitioners belong to a different political party had objected to unlawful activities during the Panchayat election cannot be ruled out. Under such circumstances we are

of the opinion custodial interrogation is not necessary and they may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Officer-in-Charge, Raiganj Police Station once in a week until further orders. He shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)