

10.10.2023
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Allowed

CRM(DB) No. 3520 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 253 of 2023 dated 09.07.2023 under Sections 147/148/149/186/188/189/332/333/353/325/326/307/120B of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act read with Section 9 of the West Bengal Maintenance of Public Order Act.

And

In Re : Shambhu Santra @ Sambhu Santra & Anr. petitioners

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

.....for the petitioners

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for 92 days and 77 days respectively. It is also contended that they are members of a political party. They opposed widespread rigging in the Panchayet election and demanded ballot boxes be kept under the control of Central Reserve Police Force. A commotion ensued and they have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners had assaulted police personnel. They were medically treated.

3. We have considered the materials on record. Incident occurred on the day of election. Petitioners contended they were demanding free and fair election and have been falsely implicated.

Injury report shows fracture on the nose of one police personnel. Allegations against the petitioners are general and omnibus. In view of the aforesaid circumstances, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, subject to conditions that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)