

17.10.2023.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4071 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Keshiary P.S. Case No.184 of 2017 dated 13.12.2017 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : **Phatik Ranjan Pahari @ Fatik & Anr.**
.... Petitioners.

Mr. Soumen Datta,
Mr. Partha Sarathi Basu.

...for the Petitioners.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subroto Roy.

...for the State.

1. Petitioners are the elected representatives of Keshiary Panchayat Samity. Due to political rivalry they have been falsely implicated in a case involving murder of a political leader of Nachipur VI Gram Panchayat area. Petitioners had approached this Court earlier in WPA 19751 of 2023 to participate in the election of the Sabhapati and Sahakari Sabhapati of the Panchayat Samity. A learned Single Judge of this Court directed police protection to the petitioners to enable them to vote in the said election. Immediately thereafter, they were arrested and falsely implicated in the case. They pray for bail.

2. Learned Additional Public Prosecutor opposes the bail prayer. He contends petitioners are powerful persons in the locality. They had threatened witnesses. As a result, the witnesses kept mum. CDRs show petitioners were in constant touch with the wife of the deceased.

3. We have considered the materials on record. Petitioners are the elected members of Keshiary Panchayat Samity. Due to internecine political fight, they were not permitted to exercise their democratic rights during election of Sabhapati and Sahakari Sabhapati of the Samity. As a result, they approached this Court in WPA 19751 of 2023.

4. By order dated 23.08.2023, a learned Single Judge of this Court directed police protection to the petitioners to enable them to attend and vote during the election. Soon thereafter, they have been arrested in connection with a murder which took place in 2017. Though Additional Public Prosecutor strenuously argues witnesses kept mum due to political influence of the petitioners, we find scanty materials connecting them with the murder.

5. Reference has been made to CDRs which show telephonic conversations between petitioners and some of the witnesses including the wife of the deceased. It must be borne in mind that petitioners and the said witness are members and known to each other. In this backdrop, it is possible telephonic conversations were for innocuous reasons and cannot invariably lead to an inference of threat or intimidation. Possibility of false implication due to political animosity cannot be ruled out.

6. Under such circumstances, we are inclined to grant bail to the petitioners.

7. Accordingly, 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, Paschim Midnapore subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioners shall meet the Officer-in-charge, Keshiary Police Station once in a week until further orders.

8. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

9. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)