

02.08.2024

Court No.29

Item No. 10

Allowed

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CRM (A) 2198 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nandigram Police Station Case No. 224 of 2021 dated 13.05.2021 corresponding to G.R Case No. 750 of 2021 under Sections 147/148/149/323/325/302 of the Indian Penal Code.

And

In Re: **Sanoyar Khan & Ors.**

Petitioners

Mr. Sandipan Ganguly
Ms. Manaswita Mukherjee
Mr. Agnish Basu
Mr. Vipul Vedant

For the Petitioners

Mr. Amajit De, Special PP

For the C.B.I

1. Mr. Sandipan Ganguly, learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated over an incident that happened 3 years ago on 3rd May, 2021 and the petitioners are not named in the F.I.R. After 3 years their names have been included by C.B.I in the supplementary charge-sheet. It is further submitted that there is no material on record to suggest the complicity of the petitioners in the commission of the alleged offence. The petitioners have filed supplementary affidavit disclosing the fact that the CBI had filed a transfer petition before the Hon'ble Supreme Court of India with a prayer to transfer trial of all post violence cases from the State of West Bengal to any other State. The said transfer petition was taken up for hearing on 14th February, 2024 and the Hon'ble Supreme Court was pleased to stay all further proceedings of the trial which includes the instant case being Sc 207 of 2022 in connection with G.R Case no. 224 of 2021. The said order

initially passed on 14th February, 2024 has been extended from time to time. Mr. Ganguly further submits that the petitioners stand on the same footing as Sk. Supiyan @ Suffiyan @ Supisan whose prayer for anticipatory bail was initially rejected by a coordinate bench on 29th November, 2021. However, the Hon'ble Supreme Court was pleased to allow the prayer for Sk. Supiyan on 9th February, 2022 and the said decision of the Hon'ble Supreme Court has reported in (2022)13 SCC 246 in the case of Sk. Supiyan alias Suffiyan alias Supisan Vs. Central Bureau of Investigation.

2. Learned counsel for the C.B.I has file a report in which it has been categorically stated that on the basis of the statement of one of the eye-witnesses, namely, Asish Das, the names of the petitioners have been included in the supplementary charge-sheet. However, it is submitted in all fairness that the petitioners stand on the same footing as that of Sk. Supiyan.
3. Claiming parity with Sk. Supiyan, having not been disputed by the Investigating Agency, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, **the petitioners, namely, (appearing in the petition as 1 to 20)** shall be released on bail upon furnishing a bond of Rs.20,000/-each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall not leave the jurisdiction of district Purba Medinipur without the prior permission from the Jurisdictional Court, except for attending the

Court and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Haldia, corresponding to G.R Case No. 750 of 2021 within two weeks from date and the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioners shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)