

15.7.2024
SL No.26
Ct No. 29
SB

CRM (A) 2375 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bhupatinagar Police Station Case No. 313 of 2023 dated 11.8.2023 under Sections 147/148/149/186/307/285/286/332/333/353/506 of Indian Penal Code and Section 9 of West Bengal Maintenance of Public Order Act and Section 9B of the Explosive Act.

And

Tapan Midya & Ors.
Vs.
The State of West Bengal

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Koustave Lal Mukherjee
Mr. Souvik Palodhi ... for the petitioners.

Mr. Subhamoy Bhattacharyya
Ms. Mamata Jana ... for the State

1. Petitioners are workers and post holders of an opposition political party of the State. It is alleged that there has been several false cases initiated against them by the police administration with a view to prevent them from participating in their political activities.
2. It appears that the complaints were lodged before the earlier Panchayet election. There has been an altercations and scuffled between two groups in which it is alleged that the de facto complainant has suffered grievous hurt. However, records reveals that although the cases were started under Section 307 of the Penal Code after lengthy discussions charge sheet has been submitted under other lesser sections.

3. We have considered the injury report which appears to be simple in nature. The chance of false implication of the petitioners cannot be completely ruled out.
4. We are of the opinion that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the I.O. once in a week or as and when required. The petitioners shall not leave the jurisdiction of the Bhupatinagar police station till the submission of the final report
6. It is further directed that the present petitioner shall appear before the learned Additional Chief Judicial Magistrate, Contai Purba Medinipur within two weeks from date and pray for regular bail.
7. It is further directed that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)

