

02.01.2024

Serial no. 95
Anticipatory Bail
[**Partly Allowed**]
Dd

CRM (A) 4351 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **762** of **2023** dated **10.07.2023** under Sections*

***143/341/323/325/326/307/379/435/506/120B** of the Indian Penal Code, 1860. Read with Section **25/27** of the Arms Act.*

(G.R. Case No. 2253/2023)

-And-

In the matter of : **Partha Pratim Manna & Ors.**

... .. **Petitioners**

*Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Me. Soewel Bhattacharjee, Advocates
... .. For the Petitioners*

*Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee, Advocate
... ..For the State*

*Md. Sabir Ahmed,
Ms. Tasnim Ahmed, Advocates
.. ...For the de facto complainant*

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioners submits that three first information reports were registered in respect of the same incident. He submits that two were at

the instance of the administration, namely, the police and the Block Land and Land Reforms Officer while one police complaint was by the wife of the victim. He submits that the incident occurred on the day previous to the date of counting and in front of strong room.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

We find that the injured victim recorded a statement under Section 164 of the Criminal Procedure Code. In his statement, he names certain persons as assailants. He identifies the petitioner nos. 1 and 11 as persons who instigated the mob to assault him. So far as the petitioner no. 11 is concerned, he states that, petitioner no. 11 poured kerosene oil on his motor cycle and burned the same.

The injured does not named the other petitioners as persons who assaulted him resulting in the injury suffered by the injured.

Another co-accused who apparently is standing in the same footing as that of the petitioner nos. 2 to 10 and 12 to 13 was granted anticipatory bail by the co-ordinate Bench.

In such circumstances, we confirm the interim order dated October 16, 2023 so far as petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) are concerned.

So far as petitioner no. 1 (Partha Pratim Manna) and petitioner no. 11 (Asish Mondal) are concerned, we are unable to extend such interim order of grant of anticipatory to

them in view of the statement of the injured recorded under Section 164 of the Criminal Procedure Code.

Consequently, we grant anticipatory bail to petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna).

Accordingly, we direct that in the event of arrest the petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 no. 2 (Sanju Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 3

(Laxmikanta Bag) shall cooperate with the investigation till its completion and on further condition that the petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) 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 the presence of the petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 2 (Sanju Bag); petitioner no. 3 (Laxmikanta Bag); petitioner no.4 (Nitai Duyari @ Nitai Chand Duary); petitioner no. 5 (Pinaki Ranjan Das); petitioner no. 6. (Kalipada Panda), petitioner no. 7 (Kartik Maparu @ Kartik Chandra Maparu) and petitioner no. 8 (Ram Chandra Kuila); petitioner no. 9 (Sanjib Samanta); petitioner no. 10 (Ashok Dinda) and petitioner no. 12 (Gurupada Mani) and petitioner no. 13 (Dasarath Manna) are **allowed**.

Prayer for anticipatory bail of the petitioner no. 1 (Partha Pratim Manna) and petitioner no. 11 (Asish Mondal) are **rejected**.

CRM (A) 4351 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)