

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**05.04.2024
Court No.01
Item No.38
Avijit Mitra**

CRM (A) 278 of 2024

In Re:- An application for anticipatory bail under Section
438 of the Code of Criminal Procedure;

And

In Re: Shyamal Rangdar & ors.

....Petitioners

Mr. Hillol Saha Poddar,

Ms. Mousumi Das

...for the Petitioners

Mr. Ujjwal Luksom,

Mr. Chattu Roy

...for the State

Apprehending arrest in connection with Mathabhanga Police Station Case No.355 of 2023 dated 9th July, 2023 under Sections 143/447/427/435/323/325/379/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha Poddar, learned advocate appearing for the petitioners submits that on the date of the panchayat election of 2023 there was a political clash between the two rival political parties and in the said incident, the petitioners have been falsely implicated. There is a case and counter case amongst the parties. The allegations levelled are omnibus in nature and the ingredients of Section 307 of the Code of Criminal Procedure are not attracted in respect of the petitioners. The principal accused persons namely, Uttam Halder and Nemai Sarkar are already in

custody. In the said conspectus, their custodial interrogation may not be necessary.

Drawing our attention to the statement of the injured, the injury report and other materials in the case diary, Mr. Luksom, learned advocate appearing for the State, submits that direct involvement of the petitioners in the alleged incident cannot be ruled out and as such their prayer for anticipatory bail needs to be refused.

We have perused the materials on record including the statement of the victim as well as the injury report.

Prima facie, it appears that specific overt acts have been attributed to the petitioner nos. 6, 10 and 13. In view thereof, the prayer for anticipatory bail of the petitioners nos.6, 10 and 13, namely, **Mithun Bairagi, Ratish Sarkar and Madhab Sarkar @ Manab Sarkar**, is refused. The allegations in respect of the other petitioners appear to be omnibus in nature and considering the extent of their complicity and the fact that the incident occurred due to a political clash between the two rival political parties, we are of the opinion that custodial interrogation of the petitioner nos.1 to 5, 7 to 9, 11, 12 and 14 is not necessary.

Accordingly, we direct that in the event of arrest the other petitioners, namely, **Shyamal Rangdar, Maran Sarkar @ Maran Ch. Sarkar, Satya Haldar, Bikash Biswas, Sushil Bairagi, Tapan Mandal @ Tapan Mantal, Gopal Rangdar, Rajkumar**

Ghosh, Biraj Sarkar, Bimal Sarkar @ Babu Mani Sarkar and Haradhan Biswas 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 arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners no.1 to 5, 7 to 9 and 11,12 and 14 shall meet with the investigating officer once a week till the investigation is complete and they shall also attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners no.1 to 5, 7 to 9 and 11, 12 and 14 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners no.1 to 5, 7 to 9 and 11, 12 and 14 fail to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the said petitioners' bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 278 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)