

CRM No.8351 of 2020

**Via video conference**

30.06.21

(S.R.)

Sl.23

Ct.30

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Labpur** Police Station Case **No.129** of **2019** dated **12/07/2019** under Sections **447/353/332/506/384/511/427/333/ 34** of the Indian Penal Code and Sections **25/27/35** of the Arms Act;

And

**In re: Tushar Mondal & Ors.**

**... petitioners.**

Mr. Sujoy Sarkar

... for the petitioners.

Mr. Rana Mukherjee

Md. Anwar Hossain

Mr. Mirza Firoj Ahmed Begg

...for the State.

Mr. Sarkar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in an alleged incident, which occurred on 12<sup>th</sup> July, 2019. No overt act has been attributed to the petitioners. The allegations levelled are *omnibus* in nature and the petitioners have been implicated due to a political rivalry. The principal accused, namely, Kesto Mukherjee has already been arrested. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioners' prayer and submits that there are materials on record which reveal the involvement of the petitioners in the alleged offence.

Records reveal that the incident occurred on 12<sup>th</sup> July, 2019 and no charge sheet has been filed till date. The contents of the complaint reveal that overt acts have been attributed to one Kesto Mukherjee, who has been arrested. *Prima facie*, the possibility of false implication owing to political rivalry cannot be ruled out.

Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the

opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Tushar Mondal, 2. Jatai Marddi, 3. Parbatinandan Pal, 4. Sahadeb Bhandari, 5. Ganga Bagdi @ Gangadhar Bagdi, 6. Narayan Saha, 7. Bablu Mondal @ Ajit Mondal, 8. Khapu Bagdi @ Shukchand Bagdi, 9. Purnachandra Kaiborta, 10. Keshab Hazra, 11. Rathin Hazra, 12. Babu Majhi @ Babu Bagdi, 13. Prakash Mondal @ Prakash Ranjan Mondal, 14. Prasenjit Rudra, 15. Tarun Saha, 16. Subodh Hazra, 17. Shibu Das, 18. Apurba Dey, 19. Hanu Das Bairagya @ Sadhan Dasbairagya, 20. Sujit Das, 21. Ashu Majhi @ Ashutosh Majhi, 22. Kaju Mondal @ Kajal Mondal, 23. Bapon Hazra @ Prasenjit Hazra and 24. Binay Pal @ Binay Kumar Pal** 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 shall meet with the investigating officer once in a week on and from 12<sup>th</sup> July, 2021 until further orders.

It is further directed that the petitioners shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any

further reference to this Court.

The application for anticipatory bail being CRM No.8351 of 2020 is, accordingly, disposed of.

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

**(Suvra Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**