

CRM No.8423 of 2020

Via video conference

30.06.21

(S.R.)

Sl.25

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.212** of **2019** dated **23/09/2019** under Section **286** of the Indian Penal Code and Sections **3/4** of the Explosive Substance Act;

And

In re: Prasenjit Saha & Ors.

... petitioners.

Mr. Sujoy Sarkar

... for the petitioners.

Mr. P.K. Datta, APP

Mr. Santanu Deb Roy

...for the State.

Mr. Sarkar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. Their names have transpired on the basis of statement of a co-accused person, namely, Bijay Kumar Bagdi before a police officer, which is inadmissible in evidence. There had also been no recovery from the possession of the petitioners. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer. However, he could not dispute the fact that the petitioners' names have transpired on the basis of the statement of one Bijay Kumar Bagdi, who was arrested.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, the possibility of false implication owing to political rivalry cannot be ruled out. Furthermore, it appears from the records that the petitioners' names have transpired on the basis of the statement of one Bijay Kumar Bagdi, who was arrested.

In such circumstances, we are of the opinion that custodial

interrogation of the petitioners is not warranted in the facts and circumstances.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Prasenjit Saha, 2. Giridhar Bagdi @ Giridhari Bagdi, 3. Bhabataran Bagdi @ Sudip Bagdi, 4. Mithun Patradhar, 5. Chand Patradhar, 6. Debasis Bagdi, 7. Pranab Das @ Pranab Das and 8. Jiten Bagdi** 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 12th 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.8423 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.)

