

27.02.2024

Serial no. 37

[Dd]

(Interim *Bail*
allowed)

CRM (DB) 594 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Sandeshkhali** Police Station Case No. **23** of **2024** dated **09.02.2024** under Sections **147/148/149/435/436/120B/379/427** of the Indian Penal Code, 1860 and Section **05** of Prevention of Cruelty to Animals Act. (G.R. Case No. 479/2024)

-And-

In the matter of : Nirapada Sardar

... .. Petitioner

Mr. Bikash Ranjan Bhattacharyya, sr. adv.
Mr. Samim Ahemmed,
Mr. Sudipta Dasgupta,
Mr. Tapas Maity,
Mr. Arnab Sinha,
Mr. Sabir Bhattacharya,
Mr. Arka Ranjan Bhattacharya
Mr. G. Pervin,
Mr. Argha Banerjee,
Mr. Amit Ghosh,
Mr. Nazimuddin Siddiqui, Advocates
... .. *For the Petitioner*

Mr. Debasish Roy, PP
Mr. Rudradipta Nandy, APP
Ms. Subhasree Patel, Advocates
... ..*For the State*

Petitioner prays for bail.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody for 17 days. Petitioner is the member of the Legislative Assembly of the Constituency in which the police station is located. He points out to the fact that, the petitioner was granted bail in a police compliant by the jurisdictional Court. Immediately on February 15, 2024 after the petitioner was granted bail by the jurisdictional Court,

petitioner was taken into custody in the present police complaint. He draws the attention of the Court to the complaint and its contents. He points out that the complaint is dated February 10, 2024 while the first information report is dated February 9, 2024 and the police claims that they received the written complaint on February 9, 2024 at 22:10 hours.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 161 of the Criminal Procedure Code and the seizure list.

Attention of the learned advocate for the State is drawn to the contents in the case diary including the first few pages thereof where, the police complaint and the first information report appears. In particular, attention of such learned advocate is drawn to the date of the police complaint and date of the first information report.

Learned advocate for the State is unable to answer as to how such discrepancy appears in the case diary.

It is shocking that a citizen of India is taken into custody on the basis of such police complaint. Police apparently received a complaint of February 10, 2024 on February 9, 2024 when the formal first information report was registered.

We grant interim bail to the petitioner and to be released forthwith. Jurisdictional Superintendent of Police will submit a report as to the contents of the police diary and in particular the facts mentioned in this order. Let such report be submitted on the adjourned date.

Accordingly, we direct that the petitioner shall be released on interim bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Additional Chief Judicial Magistrate, Basirhat** subject to condition that the petitioner shall appear before the

learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

List this application on **February 29, 2024**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)