

24.09.2020

Court No. 16
Item No. 07
abhar/k.mitra

CRM 7005 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

(antibail - allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Uttarpara Police Station Case No. 215 of 2020 under Sections 448/307/506/34/325 of the Indian Penal Code

And

In the matter of: **Asit Baran Dhar**

..... Petitioner

Mr. Sudipta Pal

.....for the Petitioner

Mr. Tanmoy Ghosh

Ms. Sima Biswas

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that the petitioner has been unnecessarily entangled in the aforesaid case simply on the basis of the complaint of the brother in law (sister's husband) when on getting an information that the sister was being mercilessly beaten by the complainant, he wanted to rescue her. In other words there is a counter blast to the complaint lodged by her husband against the complainant to pressurize her to withdraw such F.I.R.

The learned advocate appearing for the State opposes the prayer for anticipatory bail. It is submitted that a similar application filed by the petitioner was rejected on 09.09.2020, being CRM 6318 of 2020 and there is no changed circumstances which warrant the petitioner to be released on bail. It is further submitted that

the investigation is going on and, in fact, he relies upon the statement recorded under Section 161 of the Code of Criminal Procedure.

After hearing the learned advocates of the respective parties and on perusal of the materials available from the case records, we have read the statement recorded under Section 161 of the Code of Criminal Procedure as well as the injury report relied upon by the State. We do not find that any custodial interrogation of the petitioner is necessary. We further find that the earlier application for anticipatory bail, being CRM 6318 of 2020, was dismissed on 09.09.2020 in absence of the petitioner which would be evident from the first paragraph of the said order. Simply because the earlier application was dismissed in absence of the petitioner, we do not find that the petitioner's right to apply for anticipatory bail has been lost or be rejected on such score. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioner, namely, **Asit Baran Dhar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that he will meet the Investigating Officer as and when required.

The application being **CRM 7005 of 2020** is **allowed**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)