

2.12.2020

C.R.M. No. 9468 of 2020

Ks/sk.

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 20.1.2020 in connection with Murutia Police Station Case No. 154 dated 18.7.2020 under Sections 498A/376/511/323/506/34 of the Indian Penal Code.

And

In Re : Barun Biswas

... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Debasish Banerjee

...for the petitioner.

Mr. Chakraborty

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Mr. De, learned Advocate appearing for the petitioner submits that the petitioner is an innocent one and in no way he connected with the present case. He has been falsely implicated in the present case. It is further contended that after ten months of so-called incident the de facto complainant lodged the complaint. Therefore, the court should allow the application for anticipatory bail of the petitioner.

Mr. Chakraborty, learned Advocate appearing for the State opposes the prayer for anticipatory bail and

produces the case diary. He draws the attention of the court to the statement made under Section 164 of the Cr.P.C.

Having due regard to the submissions made on behalf of the parties and the materials available before us and on perusal of the statement made under Section 164 of the Cr.P.C., we are of the considered view that custodial interrogation of the petitioner is not required. Therefore, we are inclined to allow the prayer for anticipatory bail under the Section 438 of the Cr. P.C. on the following conditions.

- i. The petitioner shall make himself available before the Investigating Officer as and when called for.
- ii. The prayer for anticipatory bail will remain in force for a period of eight weeks from date.
- iii. In case, the Investigating Officer/arresting Officer is compelled to arrest the petitioner, he is directed to release the petitioner on bail on furnishing a surety of Rs.10,000/- subject to the subsequent confirmation of bail within 48 hours by the jurisdictional Magistrate.

With the above observations, CRM. 9468 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)