

08.02.2021

Item No.166

Ct.No.28

dc.

Allowed

C.R.M. 308 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Somnath Biswas**

... Petitioner.

Ms. Suchitra Chatterjee,
Mr. Sital Chakraborty

... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak

... For the State.

Apprehending arrest in connection with G.R. No. 339 of 2020 arising out of Entally P.S. Case No. 28 of 2020 dated 08.02.2020 under Sections 323/511/506/354/341/509/114 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner and in view thereof, custodial detention of the petitioner is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the wife of the *de facto* complainant recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the statement of the wife of the *de facto* complainant recorded under Section 164 of the Code, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Somnath Biswas** shall be released on 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 308 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)