

10.03.2021

Court No.28

Avijit / 15

CRM 587 of 2021 (Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No.376 of 2020 dated 16.10.2020 under Sections 147/149/417/315/317/370/318/107/109/201/120B/34 of the Indian Penal Code and Sections 75/81/87 of the Juvenile Justice (Care and Protection of Children) Act, 2015;

And

In Re : Dr. Srikanta Pusti

.... Petitioner

Mr. Milan Mukherjee, Sr. Adv.,

Mr. Arnab Kumar Bera,

Mr. Dev Kumar Sharma

...for the petitioner

Mr. N. Ahmed,

Ms. Amita Gaur

...for the State

Mr. Niladri Sekhar Ghosh,

Ms. Srimoyee Mukherjee,

Mr. Mujibar Ali Naskar

...for the *de facto* complainant

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the petitioner is a practising doctor and he has been falsely implicated in the alleged offence. The allegations levelled against him are absolutely unfounded. There is no material to disclose the petitioner's involvement in the alleged offence. Upon completion of investigation charge sheet has also been filed and as such further detention of the petitioner, who is in custody for about 91 days, is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements

of witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure.

He further submits that the extent of complicity of the petitioner would be particularly evident from the statements of Kamala Konar, Sudip Bhattacharya and Santu Mondal, as recorded under Section 164 of the Code of Criminal Procedure.

He also draws our attention to several orders passed by this Court while considering a writ petition being WPA 9391 of 2020 preferred by the *de facto* complainant.

Mr. Ghosh, learned advocate appearing for the *de facto* complainant opposes the petitioner's prayer and draws our attention to the orders dated 24th November, 2020 and 3rd March, 2021 passed in the writ petition filed by the *de facto* complainant.

We have perused the materials in the case diary including the statements made by the witnesses as recorded under Sections 161 and 164 of the Code of Criminal Procedure. It appears that the petitioner was a visiting physician in Chikitsa Nursing Home. *Prima facie*, his culpability is not explicit from the materials on record. Considering the nature of allegations, the extent of complicity of the petitioner in the alleged offence and the fact that he is a married person having a family consisting of two children, who are aged about 5 years and 2 years respectively, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that the petitioner, namely **Dr. Srikanta Pusti**, shall be released on bail upon furnishing a bond

of 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh and on a further condition that he shall meet with the Officer-in-Charge, Arambagh Police Station once a week until further orders on and from 20th March, 2021.

While on bail, the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.587 of 2021 is, accordingly, disposed of.

The case diary is returned to Mr. Ahmed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)