

05.03.2021
Item no.40
Court No.28
Avijit Mitra

C.R.M. 598 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with English Bazar Police Station Case No.669 of 2020 dated 12.08.2020 under Sections 448/323/307/34 of the Indian Penal Code;

And

In Re : Rima Paul Kundu @ Rima Kundu

.... Petitioner

Ms. Minoti Gomes

...for the petitioner

Mr. N.P. Agarwala,

Ms. Subhasree Patel

...for the State

Ms. Gomes, learned advocate appearing for the petitioner submits that there was a dispute relating to a property among the parties pertaining to which a partition suit is already pending being Partition Suit No.02 of 2018. The petitioner herein has been falsely implicated and the allegations levelled against him are unfounded. Upon completion of investigation chargesheet has also been filed and as such, custodial interrogation of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the

petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the instant case. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rima Paul Kundu @ Rima Kundu**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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.

Accordingly, the application being C.R.M. No. 598 of 2021 is disposed of.

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.)