

03.03.2021

Item No.5

Ct.No.28

dc.

Partly Allowed

C.R.M. 751 of 2021

(Via Video Conference)

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

And

In Re : **Narad Biswas & Ors.**

... Petitioners.

Mr. Shibaji Kumar Das

... For the Petitioners.

Mr. S. S. Imam,
Ms. Sonali Bhar

... For the State.

Apprehending arrest in connection with Chakdah P.S. Case No. 385 of 2020 dated 31.12.2020 under Sections 448/326/506/34 with added Section 307 of the Indian Penal Code, the present application has been preferred.

As the petitioner no.1, namely, **Narad Biswas** has already expired during the pendency of this application, the anticipatory bail application, so far as the said petitioner no.1 is concerned, is dismissed as infructuous.

The learned advocate appearing for the petitioners submits that the petitioner nos. 2 and 3 have been falsely implicated. The petitioner no.2 is the mother and the petitioner no.3 is the brother of the principal accused, namely, Bapi Biswas. No overt act has been attributed to the

petitioner nos. 2 and 3 and as such, their custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Upon perusal of the records, we do not find that any overt act has been attributed to the petitioner nos. 2 and 3. The principal accused is Bapi Biswas and he is already in custody. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner nos. 2 and 3 is not necessary.

Accordingly, we allow the application for anticipatory bail in respect of the petitioner Nos. 2 and 3 and direct that in the event of arrest, the petitioner Nos. 2 and 3, namely, **Chandana Biswas** and **Chanu @ Chhanu Biswas** respectively, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

The application for anticipatory bail, being CRM 751 of 2021 is, thus, 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.)