

24.05.2021
Item no.38
Court No.28
Avijit Mitra

C.R.M. 1098 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Narayan Samanta & ors.

.... petitioners

Mr. Santanu Talukdar,

Mr. Asit Nayek

....for the petitioners

Mr. Angshuman Chakraborty

..... for the State

Apprehending arrest in connection with Shyampur Police Station Case No.20 of 2021 dated 10.01.2019 under Sections 448/323/325/354B/379/427/506/34 of the Indian Penal Code the present application has been preferred.

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the brother-in-law of the *de facto* complainant and the petitioner nos. 2 and 3 are the sons of the petitioner no.1. The said petitioners have been falsely implicated. There had been a long-standing family dispute amongst the parties. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and submits that in the injury report it has *inter alia* been recorded that the injured person complains of pain beneath the left ear.

Having heard the learned advocates and considering the nature of allegations, the contents of the injury report and the

extent of complicity, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Narayan Samanta, Biswajit Samanta and Surajit Samanta** 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 for anticipatory bail being CRM No.1098 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.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)