

25.05.2021
Item no.20
Court No.28
Avijit Mitra

C.R.M. 1622 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 Bhadreswar Police Station Case No.63 of 2019 dated 01.07.2019 under Sections 447/427/436/34 of the Indian Penal Code;
And

In Re : Ishana Roy Choudhury

.... petitioner

Mr. Soumya Basu Roy Chowdhury,
Mr. Titan Pal

....for the petitioner

Mr. Saibal Bapuli,
Mr. S.S. Imam,
Mr. S. Roy

..... for the State

Apprehending arrest the petitioner has filed the instant application.

It is submitted on behalf of the petitioner that the petitioner is a lady. Allegation as made out by the *de facto* complainant is that the *de facto* complainant is a shop-owner of a liquor shop. Local people ransacked the shop of the *de facto* complainant. It is not clear whether the petitioner was a member in the said mob who ransacked and destroyed the shop by fire. So she should be released on anticipatory bail.

Learned Public Prosecutor-in-Charge has opposed the prayer for anticipatory bail.

It is important to note that chargesheet has already been submitted in this case. Therefore, custodial interrogation of the petitioner is not necessary. She is a lady and during this Covid

pandemic we are inclined to grant the benefit of Section 438 of the Code of Criminal Procedure to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ishana Roy Choudhury** 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.1622 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.)