

21.05.2021
SL No.50
Court No.28
(gc)

CRM 1752 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Khargram Police Station Case No.327 of 2020 dated 20.11.2020 under Section 341/325/307/34 of the Indian Penal Code.

And

In the matter of : **Debashis Das @ Ananta Das**

- Petitioner

Mr. Manas Kumar Das,
... For the Petitioner.

Mr. S.S. Imam,
Mr. S. Kundu,
... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that false complaint is lodged due to family enmity.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the victim has suffered injury. The State produces the injury report. The learned Counsel, however, submits that the statement of the injured has not been recorded and there is no statement of any eyewitness.

Considering the materials available on record and the submissions made on behalf of the State suggesting no direct involvement of the petitioner in the commission of the alleged offence, in absence of any other material on record and having regard to the fact that the charge-sheet has already been filed, we are of the opinion that that custodial interrogation of the petitioner

is not necessary and he may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Debashis Das @ Ananta Das**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.

This order of anticipatory bail will remain in force for a period of eight weeks from date within which period, the petitioner shall surrender before the Jurisdictional Court and obtain regular bail. The Jurisdictional Court shall consider the said application for bail on the basis of the materials made available to the learned Trial Judge uninfluenced by any observation made by us in this order.

The Superintendent of Police shall enquire into this matter and ascertain why the statement of the injured has not been recorded under Section 164 of the Code of Criminal Procedure prior to the filing of the charge-sheet.

The Office of the learned Registrar General is directed to communicate this order to the Superintendent of Police, Murshidabad for compliance and the concerned Superintendent of Police shall file a report in a sealed envelope within a period of two weeks from date which shall be placed before us.

The application for anticipatory bail, being CRM No.1752 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.

(Suvra Ghosh, J.)

(Soumen Sen, J.)