

439 27.07.2021
of Ct. No. 16
ct no. 28 SB

C.R.M. 2054 of 2021

In Re : An application for **anticipatory bail** under Section 438 of the Code of Criminal Procedure in connection with Bagdah P.S. Case No. 663/2020 dated 15.10.2020 under sections 323/325/354/308/379/376/511/506/34 of the Indian Penal Code.

In Re : Rabindra Biswas

Mr. Mrinal Kanti Mukherjee
Mr. Subhojyoti Chandra For the Petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan For the State

This matter is mentioned in the morning for urgent listing.

Allowed

On the basis thereof this matter was taken up at 2 PM upon notice to the other side.

It is submitted on behalf of the petitioner that due to enmity and rivalry a false complaint case has been lodged by the de facto complainant. The petitioner has falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and refers the statement of Sabita Dhali recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that charge sheet has already been filed.

Having considered the materials on record and in the nature of extent of complicity in the commission of alleged offence and the fact that charge sheet has already been filed and on the basis of the complaint of the daughter of the present petitioner one of the Dhali family was granted bail.

We are of the opinion that custodial interrogation of the petitioner may not be necessary and he may be released on anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-(Rupees Ten Thousands only) with two sureties of like amount to the satisfaction of the arresting officer and co-operate with the investigation and meet the I.O. once in a week subject to the conditions as laid down under section 438(2) of the

Code of Criminal Procedure 1973.

The application for anticipatory bail is, accordingly, allowed.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen , J.)

