

28.05.2021  
Court No.28  
Item No. 72  
Krishnendu  
Allowed

**CRM 2254 of 2021  
(Via video Conference)**

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

And

In Re : **Debashish Hait & Anr.**

Petitioners

Mr. Soumyajit Das Mahapatra

For the Petitioners

Mr. Ranabir Roy Chowdhury  
Mr. Mainak Gupta

For the State

Apprehending arrest in connection with Daspur P.S. Case No. 418 of 2020 dated 22.10.2020 under sections 447/323/325/307/354B/379/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mahapatra, learned advocate appearing for the petitioners submits that there was a long-standing civil dispute between the parties and the complaint had been lodged as a counter blast of an earlier complaint lodged on behalf of the petitioners. Co- accused persons have already been granted bail. The contents of the complaint would reveal that the ingredients of section 354B of the Indian Penal Code, in respect of the petitioners, are not satisfied. In the said conspectus, custodial detention/interrogation is not warranted.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to several documents in the case diary, including the

complaint, the injury report and the statement of the injured, as recorded under section 164 of the Code of Criminal Procedure.

We have heard the learned advocates appearing for the respective parties and perused the materials in the case diary.

*Prima facie*, it appears that the acts attributed to Susanta Hait and Asish Hait are of more serious nature compared to that of the present petitioners. Considering the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial detention/interrogation of the petitioners is not warranted in the facts and circumstances of this case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Debashish Hait and Sikha Hait**, shall be released on 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. It is further directed that the petitioner no. 1, Debashish Hait, shall reside within the territorial jurisdiction of Daspur Police Station and shall meet with the Investigating Officer of this case twice a week on and from 7<sup>th</sup> June, 2021 until further orders.

The application for anticipatory bail, being CRM No. 2254 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.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)