

**14.06.2021**  
Court No.28  
rpan / **30**

**C.R.M. 2585 of 2021**

(Via Video Conference)

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

And

In Re : **Biswajit Sarkar**

- Petitioner.

Ms. Sananda Bhattacharyya

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra

... for the State.

Apprehending arrest in connection with Haringhata P.S. Case  
No.310 of 2020 dated 12.12.2020 under Sections  
448/326/354/34 adding Section 307 of the Indian Penal Code,  
the petitioner has filed the present application.

Learned advocate appearing for the petitioner submits that  
the petitioner has been falsely implicated in the incident, which  
occurred on 11.12.2020. No overt act has been attributed to the  
petitioner. Primary accused persons, namely, Dipankar Sarkar  
and Pradip Sarkar were arrested and subsequently enlarged on  
bail. Upon completion of investigation, charge sheet has also been  
submitted and as such, custodial detention of the petitioner is not  
necessary.

Learned advocate appearing for the State opposes the  
petitioner's prayer and draws our attention to the statement of the  
witnesses, as recorded under Section 161 of the Code of Criminal  
Procedure and the injury report.

We have heard the learned advocates and considered the materials in the case diary.

*Prima facie*, no overt act has been attributed to the petitioner. Considering the nature of allegations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention/interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Biswajit Sarkar** shall be released on bail upon furnishing a bond of `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 and on a further condition that the petitioner shall meet with the Officer-in-Charge, Haringhata Police Station once in a week on and from 21<sup>st</sup> June, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event he fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 2585 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.

**(Kausik Chanda, J.)**

**(Tapabrata Chakraborty, J.)**