

25.11.2021
Court No.32
Item No. 125
Krishnendu
Allowed

**C.R.M. 2641 of 2021
(Via Video Conference)**

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

And

In re: **Dipak Barua**

Petitioner

Mr. Ajit Kumar Mishra

For the Petitioner

Mr. Narayan Prasad Agarwalla

Mr. Ashok Das

For the State

Apprehending arrest in connection with Ghola Police Station Case No. 530 of 2020 dated 01.11.2020 under Section 365 of the Indian Penal Code, the present application has been preferred.

Mr. Mishra, learned advocate appearing for the petitioner submits that there was a political rivalry between the parties and the petitioner has been falsely implicated. A co-accused person, similarly situated with the petitioner, had already been granted anticipatory bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioner is not necessary.

Mr. Agarwalla, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the victim, who was subsequently recovered, as recorded under section 164 of the Code of Criminal Procedure, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case, more so when upon completion of investigation, charge-sheet has been submitted. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Dipak Barua**, 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 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 shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Court below would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 2641 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.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)