

08. 13.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3415 of 2021
With
I.A. No: CRAN 1 of 2021
(CRAN file not here)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/04/2021** in connection with **Gazole Police Station Case No. 173/2021** dated **06/03/2021** under Sections **341/376/511** of the Indian Penal Code.

And

In the matter of: - **Samiran Biswas**

....petitioner.

Mr. Arindam Jana,
Mr. Sumanta Das

...for the petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta,
Mrs. Puspita Saha

...for the State.

The petitioner says that this complaint is in retaliation to a complaint made by the petitioner's sister under Section 498A of the Indian Penal Code.

We have seen the material in the Case Diary including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. The victim lady refused to undergo medical examination. She is 57 years old.

On an overall assessment of the material on record and the facts and circumstances of the case, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Samiran Biswas** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 3415 of 2021 is, accordingly, allowed. Connected application being I.A. No. CRAN 1 of 2021 is disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)