

02.12.2021
Item no.131
Court No.32
Avijit Mitra

C.R.M. 4629 of 2021

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

And

In Re : Samir Chatterjee

.... petitioner

Mr. Soumik Ganguly

....for the petitioner

Mr. S.S. Imam,

Mr. Subroto Roy

..... for the State

Apprehending arrest in connection with Budbud Police Station Case No.48 of 2021 dated 04.06.2021 under Sections 498A/323/325/307/406/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961, the present application has been preferred.

Mr. Ganguly, learned lawyer for petitioner submitted, that the present petitioner has been falsely implicated in the case. There is no evidence of attempt of murder. The *de facto* complainant only with an ulterior motive lodged false complaint against the present petitioner. According to the learned lawyer custodial detention is not necessary and anticipatory bail should be allowed to the present petitioner.

Per contra, learned lawyer representing the State Mr. Roy submitted, that there are ingredients of torture in the case diary. Witnesses corroborated the allegations of torture in the statement.

We have perused the case diary. It appears that no medical or injury report is there in the case diary. Allegation of mental and physical tortures are there. However, such allegation does not warrant custodial detention of the present petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Samir Chatterjee**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 on further condition that the petitioner shall meet the investigating officer once in a fortnight till the investigation is complete.

He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail being C.R.M. 4629 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.)

