

03.12.2021
Item no.165
Court No.32
Avijit Mitra

C.R.M. 5029 of 2021

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

And

In Re : Jayanta Kumar Sarkar

.... petitioner

Mr. Debapratim Guha,
Mr. Rajib Lochan Chakraborty,
Ms. Anchita Sarkar

....for the petitioner

Mr. N.P. Agarwala,
Mr. Ashok Das

..... for the State

Apprehending arrest in connection with Islampur Police Station Case No.743 of 2020 dated 05.10.2020 under Sections 498A/307/34 of the Indian Penal Code, the present application is filed praying for anticipatory bail.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled are in abstract. Some in-laws have already been granted anticipatory bail and some have obtained regular bail. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary.

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, the nature of allegations and the extent of complicity of

the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jayanta Kumar Sarkar**, 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 with further direction that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner 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. 5029 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.)

