

03.12.2021
Item no.179
Court No.32
Avijit Mitra

C.R.M. 5191 of 2021

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

And

In Re : Sukhchand Biswas @ Bhola Biswas & anr.
.... petitioners

Mr. Soumik Ganguly
....for the petitioners

Mr. N.P. Agarwala,
Ms. Subhasree Patel
..... for the State

Mr. Mohit Gupta
....for the *de facto* complainant

Apprehending arrest in connection with Coke-Oven Police Station Case No.115 of 2021 dated 07.07.2021 under Sections 341/307/324/325/354/506/34 of the Indian Penal Code, the present application is filed praying for anticipatory bail.

Mr. Ganguly, learned advocate appearing for the petitioners submits that there was a free fight between two groups of people and the present case has been initiated as a counter-blast to the earlier complaint lodged by the petitioners herein. The allegations are omnibus in nature. The petitioner no.2 is also an aged person and there is no possibility that they would flee from justice. In the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the injury reports.

Mr. Gupta, learned advocate enters appearance on behalf of the *de facto* complainant.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the injury report and since it is not likely that the petitioners would interfere with the investigation or delay the trial by abscondence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sukhchand Biswas @ Bhola Biswas and Bipod Bhanjan Biswas**, 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 petitioners shall attend the learned trial court on all the dates, as specified for hearing.

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

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

The application for anticipatory bail being C.R.M. 5191 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.)