

07.12.2021
Court No.32
rpan / **204**

C.R.M. 5426 of 2021

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

And

In re: **Raj Kumar Hazra**

- Petitioner

Mr. Ayan Bhattacharjee,
Mr. Saumen Bhattacharjee,
Mr. Manabendra Bandhopadhyay
....for the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Ms. Sima Biswas
....for the State.

Apprehending arrest in connection with Nakashipara Police Station Case No.45 of 2021 dated 01.02.2021 under Sections 498A/304/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharjee, learned advocate appearing for the petitioner submits that the petitioner is the husband of the sister-in-law of the victim lady. He has no nexus with the alleged offence which occurred about ten years after the marriage of the victim lady. The petitioner also resides at a separate mess about 44 K.Ms. away from his matrimonial house. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statements of the witnesses and the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, statements of the witnesses and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when, upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Raj Kumar Hazra**, 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 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 in any manner whatsoever. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5426 of 2021, is, thus, 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.)