

14.12.2021

Serial no. 64

Dd

(Through Video Conference)

CRM 5497 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **330** of **2021** dated **23.06.2021** under Sections **448/323/354/376/511/34** of the Indian Penal Code.

-And-

In the matter of : **Sanjoy Byapari**

... Petitioner

Mr. Asraf Mandal, Advocate

... ... For the Petitioner

Mr. S. S. Imam,

Ms. Sonali Bhar, Advocates

... ...For the State

It is contended on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner, we are of the opinion that the custodial interrogation of the petitioner is not necessary, however, movement of the petitioner requires to be restricted in order to instill confidence in the mind of the de facto complainant/victim.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall not enter the jurisdiction of Tehatta Police Station except for the purpose of investigation and for attending Court proceedings and shall provide address of his residence to the Investigating Officer and the Court below and report once in a week until further order to the Officer-in-Charge concerned within whose jurisdiction he shall reside while on bail.

This application for anticipatory bail is, thus, **allowed**.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)