

CRM No.5488 of 2021

Via video conference

07.12.21

(S.R.)

Sl.210

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Burwan** Police Station Case No.91 of 2021 dated 21/03/2021 under Sections 498A/313/325/326/307/34 of the Indian Penal Code (G.R. Case No.448 of 2021);

And

In re: Saileswar Roy

... petitioner.

Mr. Manas Kumar Das

... for the petitioner.

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

Heard the learned lawyer for the petitioner.

The learned lawyer representing the State submitted that charge sheet has been filed in this case.

We have perused case diary, medical report, statements of the witnesses and other materials. There are incriminating elements against the present petitioner but, in our considered opinion, the nature of allegations, the extent of incriminating materials are not to that extent which warrants custodial detention of the petitioner even after closure of investigation and filing of charge sheet.

Accordingly, we are inclined to allow the anticipatory bail to the petitioner on 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 intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.5488 of 2021 is, accordingly, 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.)