

**10.12.2021**

Court No.32  
rpan / 177

**CRM 5875 of 2021**

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

And

In Re : **Soma Biswas @ Soma Haldar & Others**

- Petitioners

Mr. Pinak Mitra,  
Ms. Subhanwita Ghosh  
... for the Petitioners.  
Mr. Partha Pratim Das,  
Ms. Manasi Roy  
... for the State.

Apprehending arrest in connection with Sonarpur Police Station Case No.1019 of 2020 dated 14.12.2020 under Sections 447/323/354/379/506/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Mitra, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. There was a matrimonial dispute between the petitioner no.1 and her husband and in-laws and a complaint was lodged to that effect by the petitioner no.1. The alleged incident occurred about two years after the marriage and the ingredients of Sections 354 and 379 of the Indian Penal Code are not attracted. Upon completion of investigation charge sheet has also been submitted. In view thereof, custodial interrogation is not warranted.

Mr. Das, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the injury report and the statements of the witnesses.

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 the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Soma Biswas @ Soma Haldar, 2. Prahlad Kumar Biswas @ Prahlad Biswas, 3. Krishna Biswas and 4. Santanu Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM 5875 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.)**