

17.12.2021
Court No.32
Item No. 269
Krishnendu
Allowed

**C.R.M. 6774 of 2021
(Via Video Conference)**

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

And
In re: **Kalidas Pandit & Anr.**

Mr. Niladri Sekhar Ghosh

Mr. Anwar Hossain
Ms. Rituparna Ghosh

Petitioners

For the Petitioners

For the State

Apprehending arrest in connection with Ghatal Police Station Case No. 358 of 2021 dated 26.09.2021 under Sections 341/323/354/506/509/34 of the Indian Penal Code, the present application has been preferred.

Mr. Ghosh, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no. 2 is the cousin brother-in-law of the victim lady. They have been falsely implicated. The accusations are omnibus in nature. The present petitioners are not the principal accused and there is no strong evidence to show that they are involved in the alleged offence. In the said conspectus, custodial interrogation of the petitioners is not warranted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, **Kalidas Pandit and Suman Pandit**, shall be released on bail upon furnishing two registered sureties of Rs.10,000/- each in each case to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no. 2 shall meet with the Investigating Officer once a week on and from 27th December, 2021 till investigation is over.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not intimidate the witnesses 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 their bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6774 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)