

25.11.2021
Item no.158
Court No.32
Avijit Mitra

C.R.M. 7349 of 2021

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

And

In Re : Chiranjit Bhowmick

.... petitioner

Mr. Asraf Mandal

....for the petitioner

Mr. Bidyut Kumar Roy,

Ms. Kumkum Mitra

..... for the State

Apprehending arrest in connection with Tehatta Police Station Case No.210 of 2021 dated 28.04.2021 under Sections 498A/307/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the alleged incident occurred about three years after the incident. The petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary, more so when the co-accused persons similarly situated with the petitioner had been granted anticipatory bail by the learned Sessions Court.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code.

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

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Chiranjit Bhowmick**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall appear before the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

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 C.R.M. 7349 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.)

