

25.11.2021
Item no.166
Court No.32
Avijit Mitra

C.R.M. 7372 of 2021

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

And

In Re : Saumen Bhukta & ors.

.... petitioners

Mr. Niladri Sekhar Ghosh

....for the petitioners

Mr. Swapan Banerjee,

Mr. Santanu Chatterjee

..... for the State

Apprehending arrest in connection with Goghat Police Station Case No.86 of 2021 dated 16.04.2021 under Sections 341/325/326(A)/354/506/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that there was a previous enmity between the parties and the petitioners have been falsely implicated. The allegations are omnibus in nature and as such, the petitioners may be granted anticipatory bail on any condition and they would be cooperating with the investigation.

Mr. Banerjee, 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.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injury and the extent of complicity of the petitioners in the alleged offence and *prima facie*, as the

possibility of implication due to previous enmity cannot be ruled out, we are of the opinion that custodial interrogation of the petitioners is not warranted, more so when upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Saumen Bhukta, Santanu Bhukta and Aparna Bhukta**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) each 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 petitioners shall appear before the learned Court below on all the dates as specified for hearing.

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

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 his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail being C.R.M. 7372 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.)

