

25.11.2021
Item no.174
Court No.32
Avijit Mitra

C.R.M. 7392 of 2021

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

And

In Re : Sikha Sarkar

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Madhusudan Sur,

Mr. Sujan 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 petitioner submits that the petitioner has been falsely implicated as there was a previous dispute amongst the parties. The allegations are omnibus in nature and as such, the petitioner may be granted anticipatory bail on any condition and the petitioner would cooperate with the investigation.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's 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 as *prima facie* there is no possibility that the petitioner would flee from justice, we are of

the opinion that custodial interrogation of the petitioner is not necessary, more so when upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sikha Sarkar**, 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.

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. 7392 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.)