

25.02.21 In re: An application for anticipatory bail under Section 438 of the Code of
(S.R.) Criminal Procedure filed in connection with **Tehatta** Police Station Case
Sl.21 **No.477 of 2020** dated **04.11.2020** under Sections
Ct.28 **448/376/511/323/506/34** of the Indian Penal Code;

And

In re: Prasenjit Biswas & Anr.

... petitioners.

Mr. Asraf Mondal

... for the petitioners.

Mr. S.G. Mukherjee, Ld. PP

Mr. Aniket Mitra

...for the State.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. The principal accused, namely, Kissior Mondal, has already been arrested. In the said conspectus, custodial interrogation of the petitioners herein is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the victim lady recorded under Sections 161 and 164 of the Code as well as the injury report.

Having heard the learned advocates 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 the custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Prasenjit Biswas and Kushal Malakar** 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 and a further condition that the petitioners shall meet the investigating officer once in a week on and from 1st March, 2021, until further orders.

Accordingly, the application for anticipatory bail being CRM No.9650 of 2020, is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

