

31.05.2021
Item no.05
Court No.28
Avijit Mitra

C.R.M. 10962 of 2020 (through video conference)

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

And

In Re : Haridas Biswas & anr.

.... petitioners

Mr. Amanul Islam

....for the petitioners

Mr. Saibal Bapuli,

Mr. Subroto Ray

..... for the State

Apprehending arrest in connection with Tehatta Police Station Case No.553 of 2020 dated 17.12.2020 under Sections 498A/323/307/34 of the Indian Penal Code, the present application has been filed.

Mr. Islam, learned advocate appearing for the petitioners submits that the petitioner no.1 married the *de facto* complainant about 10 years ago. The petitioner no.2 is the brother-in-law of the *de facto* complainant. Both the petitioners have been falsely implicated. There are no incriminating materials against the petitioners and in view thereof, custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report. He further submits that investigation is yet to be completed. Let the documents, as produced, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, the materials disclose the involvement of the petitioner no.1, namely, **Haridas Biswas**, in the alleged offence. It further appears that the son of the *de facto* complainant was also injured. In the said conspectus, we are not inclined to grant anticipatory bail to the petitioner no.1. His prayer for anticipatory bail is refused.

Considering the nature of allegations as levelled against the petitioner no.2, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Gopal Biswas**, shall be released on anticipatory 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 with the further condition that the petitioner no.2 shall meet with the investigating officer once a week on and from 7th June, 2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No.10962 of 2020, is partly allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)

