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15-09-2021

Court 30

Allowed

C.R.M. 11113 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Balurghat Police Station Case No. 461 of 2020 dated 19.11.2020 under Sections 498A/306 of the Indian Penal Code.

Bikash Barman

Versus

State of West Bengal

Mr. Subrata Saha, Adv.

Mr. Debasish Banerjee, Adv.

...for the petitioner.

Mr. Tanmoy Kr. Ghosh, Adv.

Mr. Arindam Sen, Adv.

...for the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer bail and drawn our attention to the statements of some of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

Considering the nature of the statements recorded under Section 161 of the Cr.P.C. and having regard to the fact that the marriage subsisted for almost 11 years and also having regard to the nature and extent of involvement of the petitioner in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner may not be necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Bikash Barman, shall be released on anticipatory bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two registered 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 and with a further condition that the petitioner shall meet the

Investigating Officer once in a week and shall not leave the jurisdiction of Balurghat Police Station without express leave of the concerned Court.

The application for anticipatory bail is allowed.

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

(Rabindranath Samanta, J.)

(Soumen Sen, J.)