

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

28.09.2021

Court No.01
rpan / **23**

C.R.M. 515 of 2021

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

And

In Re : **Baishagu Md.**

- Petitioner.

Ms. Madhushri Dutta

... for the petitioner.

Mr. Ujjwal Luksom,

Ms. Namrata Das

... for the State.

Apprehending arrest in connection with Rajganj Police Station Case No.97 of 2020 dated 23.07.2020 under Sections 498A/304(B) of the Indian Penal Code [Charge-sheet no.177 of 2020 filed under Sections 498A/306/304B/34, of the Indian Penal Code], the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner is a neighbour of the victim lady. He has been falsely implicated. No overt act has been attributed to him. Other co-accused persons have already been granted bail by the learned court below. Upon completion of investigation, charge-sheet has also been filed and as such, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that charge-sheet was submitted showing the petitioner as absconder.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent

complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case, more so when, upon completion of investigation, charge-sheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Baishagu Md.** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

The application for anticipatory bail, being CRM 515 of 2021 is, thus, allowed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)