

CRM (A) 1 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Avijit Pandit**

..... petitioner

Mr. Debasis Kar
Ms. Husin Mustafi

.....For the petitioner

Mr. Sanjib Kumar Dan

.....For the State

Apprehending arrest in connection with Titagarh Police Station Case No. 576/2021 dated 15.08.2021 under Sections 341/447/323/326/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Kar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in view of previous enmity. No specific overt act has been attributed to the petitioner. One co-accused person, namely, Deb Kumar Das, who is similarly situated with the petitioner, has already been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the injury report and the statements of the witnesses.

Heard the learned advocates appearing for the respective parties.

Prima facie, it appears that no specific overt act has been attributed to the petitioner. The extent of complicity of the petitioner also appears to be similar to that of Deb Kumar Das, who has already been granted anticipatory bail. In the said conspectus, custodial interrogation is not necessary moreso when upon completion of investigation, charge sheet has also been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Avijit Pandit** 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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 CRM (A) 1 of 2022, is, thus, 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.)