

28.01.2022
Item no. 24
Court No.32
Avijit Mitra

C.R.M. (A) 15 of 2022 (Through Video Conferencing)

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

And

In Re : Bhodru Barman @ Bhadru Barman & ors.

.... petitioners

Mr. Koushik Choudhury

....for the petitioners

Ms. Zareen N. Khan,

Mr. M.F.A. Begg

..... for the State

Apprehending arrest in connection with Raiganj Police Station Case No.1135 of 2021 dated 02.12.2021 under Sections 447/323/326/307/427/34 of the Indian Penal Code, the present application has been preferred.

Mr. Choudhury, learned advocate appearing for the petitioners submits that there was a dispute amongst the parties pertaining to possession of a land. In the said dispute the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners. In the said conspectus, custodial interrogation may not be necessary.

Mr. Begg, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injury, the nature of accusations and the

extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Bhodru Barman @ Bhadru Barman, Adesh Barman @ Aadesh and Nepali Barman @ Khadkhedu Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two 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 with a further condition that the petitioners shall meet with the Investigating Officer of the case once a week till investigation is complete.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. (A) 15 of 2022 is 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.)

