

28.01.2022

Court No.32
rpan/51

C.R.M. (A) 71 of 2022

[Through Video Conferencing]

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

And

In re: **Biswajit Sarkar @ Ratan Sarkar & Others**

- Petitioners

Mr. Sourav Mukherjee

... for the Petitioners.

Mr. Bidyut Kumar Roy,

Ms. Sima Biswas

... for the State.

Apprehending arrest in connection with Hogalberia Police Station Case No.162 of 2021 dated 10.07.2021 under Sections 498A/307/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner no.1 is the father-in-law, the petitioner no.2 is the brother-in-law and the petitioner no.3 is the husband of the sister-in-law of the victim. They have been falsely implicated and no specific overt act has been attributed to them. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the victim girl and other witnesses, as recorded under Section 161 of the Code and the medical reports.

Heard the learned advocates appearing for the respective parties. Considering the materials in the case diary and bearing in

mind the nature of accusations in the light of the argument advanced by the parites and in view of the fact that upon completion of investigation charge sheet has been submitted, we are of the opinion that custodial interrogation of the petitioners is not warranted. As such, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Biswajit Sarkar @ Ratan Sarkar, Bimal Sarkar and Suranjan Sarkar** shall be released on 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.

It is further directed that the petitioners shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 71 of 2022 is, thus, allowed.

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.)