

CRM(A) No.103 of 2022

Via video conference

01.02.22

(S.R.)

Sl.22

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hariharpara** Police Station Case No.485 of 2021 dated 21/11/2021 under Sections 341/325/308/34 of the Indian Penal Code;

And

In re: Sonai Ghosh @ Biswajyoti Ghosh

... petitioner.

Mr. Tapodip Gupta

... for the petitioner.

Mr. Narayan Prasad Agarwal

Mr. Pratick Bose

...for the State.

Mr. Gupta, learned advocate appearing for the petitioner submits that there was a hot altercation between the parties and in view thereof, the petitioner has been falsely implicated. In the said conspectus, custodial interrogation may not be necessary.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the nature of injury and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail being CRM(A) No.103 of 2022 is, accordingly, 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.)