

01.02.2022
Item no. 41
Court No.32
Avijit Mitra

C.R.M.(A) 136 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Dhubulia Police Station Case No.115 of 2020 dated 29.05.2020 under Sections 188/353/333/307/427/34 of the Indian Penal Code;

And

In Re : Ruhidas Munsi

.... petitioner

Mr. Arnab Mukherjee

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Heard the learned lawyer for the petitioner as well as the learned lawyer representing the State. Perused the case diary. Chargesheet has been filed and the present petitioner is shown as absconding. Warrant has been issued against the present petitioner. However, on perusal of case diary and other materials particularly, statement of the witnesses it appears that the allegation is omnibus in nature. In the injury report appears to implicate one Rajib Biswas and others without naming the present petitioner.

On perusal of the statement of the witnesses and injury report we find stray mention on the complicity of the present petitioner in the alleged offence without having anything strong incriminating elements against him. Since chargesheet has been filed, we are of the opinion that custodial interrogation of the petitioner is not necessary and accordingly, we allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Ruhidas Munsii**, 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.

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

The petitioner shall not intimidate the witnesses and/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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 136 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.)