

CRM(A) No.157 of 2022

Via video conference

04.02.22

(S.R.)

Sl.33

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bishnupur** Police Station Case No.672 of 2021 dated 16/10/2021 under Sections 448/354/325/506/34 of the Indian Penal Code and Sections 25/27 of the Arms Act;

And

In re: Bhaskar Naskar & Anr.

... petitioners.

Mr. Angshuman Chakraborty

... for the petitioners.

Ms. Z. N. Khan

Mr. Md. Kutubuddin

... for the State.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioners are the neighbours of the victim lady. They have been falsely implicated and the allegations levelled are absolutely unfounded. It is only with the intent to heckle and harass the petitioners, the present complaint has been lodged. In the said conspectus, custodial interrogation may not be necessary.

Mr. Kutubuddin, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the contents of the complaint. Answering our query, he submits that no statement of any witness has been registered under Section 164 of the Code and there is also no medical report.

Heard the learned advocates and considered the materials on record.

Prima facie, there are inconsistencies between the contents of the complaint and the statements of the witnesses, as recorded under Section 161 of the Code. Considering the nature of accusations and the possible 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 **1. Bhaskar Naskar and 2. Bipur Sardar** will 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 with a further condition that the petitioners shall meet with the investigating officer of the case once in a week till investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.157 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.)