

04.02.2022
Item no. 36
Court No.32
Avijit Mitra

C.R.M. (A) 161 of 2022

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

And

In Re : Ratan Debnath @ Nilu

.... petitioner

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Subir Debnath,
Ms. Roma Roy

....for the petitioner

Mr. P.K. Datta,
Mr. Subroto Roy

..... for the State

Apprehending arrest in connection with Santipur Police Station Case No.211 of 2021 dated 17.04.2021 under Sections 341/325/326/307/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. No specific overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the injured witnesses and the medical report.

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

Prima facie, no specific overt act has been attributed to the petitioner. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Ratan Debnath @ Nilu**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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) 161 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.)