

CRM(A) No.213 of 2022

Via video conference

15.02.22

(S.R.)

Sl.10

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hanskhali** Police Station Case No.784 of 2021 dated 12/11/2021 under Sections 341/326/34 of the Indian Penal Code;

And

In re: Biswajit Ghosh & Anr.

... petitioners.

Mr. Sumanta Das

... for the petitioners.

Ms. Faria Hossain

Mr. Aniket Mitra

... for the State.

Mr. Das, learned advocate appearing for the petitioners submits that there was a hot altercation between the parties and the incident occurred on the spur of a moment. The allegations are *omnibus* in nature and in the said conspectus, custodial interrogation may not be necessary.

Ms. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the injury report.

It appears that the petitioner no.2 is a female family member and as such, *prima facie*, there is no possibility that she would flee from justice or delay the trial by abscondence. In view thereof, the prayer of the petitioner no.2 for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Prabhati Goswami** 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 no.2 shall attend the learned trial court on all the dates as specified for hearings.

It is further directed that the petitioner no.2 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner no.2 fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel her bail without any further reference to this Court.

Prima facie, there are strong incriminating materials against the petitioner no.1 and as such, we are not inclined to exercise any discretion in his favour, more so when investigation is still continuing. The prayer of the petitioner no.1, namely, **Biswajit Ghosh** is refused.

The application for anticipatory bail being CRM(A) No.213 of 2022 is, accordingly, partly 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.)