

22.02.2022
Item no. 26
Court No.32
Avijit Mitra

C.R.M. (A) No. 307 of 2022

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

And

In Re : Debraj Dhibar

.... petitioner

Mr. Rakesh Bhattacharya

....for the petitioner

Mr. S.S. Imam,

Mr. S. Kundu

..... for the State

Apprehending arrest in connection with Bankura Women Police Station Case No.99 of 2021 dated 09.12.2021 under Sections 498A/323/325/307/406/379/494/506/120B of the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are absolutely unfounded. He has been falsely implicated in an alleged incident four years after his marriage with the victim lady. Co-accused persons, similarly situated with the petitioner, had already been granted bail by a Coordinate Bench of this Court. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Kundu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the contents of the complaint. Answering our query he, however, submits that there is no injury report in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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 of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Debraj Dhibar**, 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 with a further condition that the petitioner shall meet with the Investigating Officer once a fortnight till investigation is complete.

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) 307 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.)