

CRM (A) 317 of 2022

(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sukhen Roy**

..... petitioner

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

.....For the petitioner

Ms. Debjani Sahu

.....For the State

Apprehending arrest in connection with Tehatta Police Station Case No. 685 of 2021 dated 18.12.2021 under Sections 498(A)/323/307/376/511/34 of the Indian Penal Code, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the victim. The allegations levelled against him are absolutely unfounded. In view of a matrimonial dispute, all his family members have been roped in. In the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code including the medical report as well as the

statements of the other witnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties and 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 of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Sukhen Roy** shall 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 further condition that the petitioner shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 317 of 2022, is, thus, 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.)