

CRM(A) No.434 of 2022

Via video conference

03.03.22

(S.R.)

Sl.13

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chandipur** Police Station Case No.311 of 2021 dated 22.11.2021 under Sections 341/323/325/307/354/34 of the Indian Penal Code;

And

In re: Ram Mirdhya @ Mirdya

... petitioner.

Mr. Amal Krishna Samanta

... for the petitioner.

Mr. Sandip Chakraborty

...for the State.

Mr. Samanta, learned advocate appearing for the petitioner submits that a dispute occurred between the parties as regards user of a passage. In the said dispute the petitioner has been falsely implicated. The allegations are *omnibus* in nature. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioner may not be necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the nature of injury 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 charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner 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 shall attend the learned court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses 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 CRM(A) No.434 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.)