

CRM (A) 439 of 2022
(via video conference)

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

In the matter of : **Nitya Ray Chowdhury & Ors.**

..... petitioners

Mr. Mazhar Hossain Chowdhury
Mr. Mohammad Zeeshan

.....For the petitioners

Md. Anwar Hossain
Mr. Arif Ekbal Molla

.....For the State

Apprehending arrest in connection with Kushmandi Police Station Case No. 175 of 2021 dated 16.10.2021 under Sections 448/323/325/354/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chowdhury, learned lawyer appearing for the petitioners submitted that the present petitioners are falsely implicated without any basis. Investigation is complete and charge sheet has been filed. Therefore, custodial detention of the present petitioners is not necessary. Accordingly, he prays for anticipatory bail on any stringent condition.

Mr. Hossain, learned lawyer appearing for the State objected the bail application on the ground that the present petitioners have active complicity in the alleged offence. He invited our attention to the injury report, where medical abrasion and other injuries are noted. According to him, anticipatory bail should not be granted to the present

petitioners who should rather surrender and shall pray for regular bail.

We have heard rival submissions. Perused the case diary. On perusal of the statements of witnesses, the injury report, the extent of the petitioners' complicity in the alleged offence and its nature, we are inclined to allow the anticipatory bail of the present petitioners.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Nitya Ray Chowdhury, Radhika Ray Chowdhury @ Radhika Debsharma, Uttam Debsharma, Bhupal Ray Chowdhury, Kumod Ray Chowdhury, Bishu Ray Chowdhury** and **Narad Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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.

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

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail,

in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 439 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.)