

10.03.2022

Court No.32

BM/Sl. No.151

CRM (A) 456 of 2022

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

And

In Re: Bijan Sarkar

- Petitioner

Mr. Majhar Hossain Chowdhury

Ms. Busra Khatun ... for the Petitioner.

Mr. Imran Ali

Ms. Sujata Das ... for the State.

Apprehending arrest in connection with Balurghat Police Station Case No.411 of 2021 dated 02.08.2021 under Sections 498A/302/34 of the Indian Penal Code (corresponding GR Case No.1007 of 2021), the petitioner has filed the present application, praying for anticipatory bail.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner is the elder brother-in-law of the victim. He has been falsely implicated in the alleged incident. No specific overt act has been attributed to him. Similarly situated co-accused person has been granted anticipatory bail by Co-ordinate Bench of this court. Upon completion of investigation charge sheet has been submitted as such custodial interrogation may not be necessary.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer drawing our attention to the statement of the witnesses, as recorded under Section 161 as well as *post mortem* report.

Heard learned advocates appearing for the respective parties.

From the *post mortem* report it appears that the death was suicidal in nature. *Prima facie* the allegations appear to be omnibus in nature.

Considering the materials in the case diary and bearing in mind the nature of accusations in the light of the submissions made by the parties and in view of fact that upon completion of investigation charge sheet has been submitted, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Bijan Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

The petitioner shall also attend the learned court below on all the dates as specified herein.

He shall not tamper with the evidence and/or intimidate the witnesses.

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

The application for anticipatory bail, being CRM (A) 456 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.)