

CRM (A) 495 of 2022
(via video conference)

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

In the matter of : **Barun Mandal**

..... petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....For the petitioner

Mr. Narayan Prasad Agarwala
Mr. Saryati Dutta
Ms. Amrita Gaur

.....For the State

Apprehending arrest in connection with Baishnabnagar Police Station Case No. 403 of 2021 dated 13.08.2021 under Sections 436/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner has been roped in on the basis of mere suspicion. The allegations are omnibus in nature and upon completion of investigation, charge sheet has already been submitted and as such, custodial interrogation may not be necessary.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code.

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 his custodial interrogation may not be necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Barun Mandal** 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.

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) 495 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.)