

03.03.2022
Item no.37
Court No.32
SS

C.R.M.(A) 515 of 2022

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

And

In Re : Kanaklal Sutradhar

.... Petitioner

Ms. Minoti Gomes

Mr. Kausik Biswas

....for the petitioner

Ms. Faria Hossain

Ms. Sonali Das

..... for the State

Apprehending arrest in connection with Malda Police Station Case No.407 of 2021 dated 14.08.2021 under Sections 341/323/325/308/354B/34 of the Indian Penal Code, the present application is preferred praying for anticipatory bail.

Heard learned lawyers for the respective parties and perused the case diary. Statements of the witnesses recording under Section 164 of the Cr.P.C. indicate assault by the present petitioner. We have perused the subsequent statement of the victim under Section 161 of the Cr. P.C. Charge-sheet has been filed. Custodial detention is not necessary.

Accordingly, we are inclined to allow anticipatory bail considering the nature of allegation, paucity of incriminating materials against the present petitioner, to the present petitioner, namely, **Kanaklal Sutradhar** upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only) with two sureties of like amount each, 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 attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/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 anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 515 of 2022 is 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.)