

CRM(A) No.661 of 2022

Via video conference

08.03.22

(S.R.)

Sl.78

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.434 of 2018 dated 10/08/2018 under Sections 420/406/408/468/471/34 of the Indian Penal Code;

And

In re: Babita Mondal @ Babita Sarkar and Anr.

... petitioners.

Mr. Sandip Chakraborty

Mr. Kaustav Das

... for the petitioners.

Mr. Madhusudan Sur, APP

Mr. Dipankar Pramanik

...for the State.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Upon assessing the materials in the case diary, it, *prima facie*, appears that the role assigned to the petitioners herein is similar to that of Ratan Ghosh and Viswadeb Banerjee @ Viswadeb Biswas, who had already been granted anticipatory bail by different Coordinate Benches of this Court. Considering the nature of accusations and on the ground of parity, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Babita Mondal @ Babita Sarkar and 2. Nimai Sarkar** will 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 with a further condition that the petitioner no.2 shall meet with the investigating officer of the case once in a week till investigation is complete and shall attend the Learned Court below on all the dates, as

specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.661 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.)