

24.02.2022

Court No.32
rpan/ **220**

C.R.M.6388 of 2021

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

And

In re: **Panchanan Bauri**

- Petitioner.

Mr. Subrata Santra

... for the Petitioner.

Mr. Tanmay Kumar Ghosh,

Md. Kutubuddin

... for the State.

Apprehending arrest in connection with Neturia Police
Station Case No.22 of 2021 dated 22.03.2021 under Sections
341/323/326/307/34 of the Indian Penal Code, the petitioner has
filed the present application.

Mr. Santra, learned advocate appearing for the petitioner
submits that there was a hot altercation between the parties and
the petitioner, who is a neighbour of the *de facto* complainant, has
been falsely implicated. Upon completion of investigation charge
sheet has also been submitted and as such, custodial interrogation
may not be necessary and he may be granted anticipatory bail.

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

Having heard the learned advocates and considering the
materials in the case diary, the nature of accusations, the nature of
injury and the extent of complicity of the petitioner in the alleged
offence, we are of the opinion that custodial interrogation is not
necessary, more so when, upon completion of investigation, charge

sheet has already been filed. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Panchanan Bauri** 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 attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 6388 of 2021 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.)