

13.01.2022
Ct. No. 32
Sl. No.300
akd

C. R. M. 7553 of 2021 [via video conferencing]

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

And

In Re: **Ahana Chakraborty**

... .. Petitioner

Mr. Sekhar Mukherjee

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Debabrata Chatterjee .. Ld. A.P.P.

Mrs. Sonali Das

... .. for the State

Apprehending arrest in connection with Nabadwip Police Station Case No.434 of 2021 dated 25.09.2021 under Sections 420/376/323/307/354B/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. He has no nexus with the alleged offence. The principal accused namely, Subhasish Basak has already been granted anticipatory bail by a coordinate Bench of this court. In view thereof, the petitioner's custodial interrogation is not warranted.

Mrs. Das, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary. Answering a query of this court, she submits that there is no medical document attracting ingredients of Section 307 of the Code against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the

nature of accusations 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 the principal accused has already been granted anticipatory bail. *Prima facie*, there is also no possibility that the petitioner would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Ahana Chakraborty**, 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 a local, to the satisfaction of the Arresting Officer and also 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 as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel her bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 7553 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)

