

04.01.2022
Item no. 244
Court No.32
Avijit Mitra

C.R.M. 7705 of 2021 (through video conference)

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

And

In Re : Tablu Biswas & ors.

.... petitioners

Ms. Shabana Hasin

....for the petitioners

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Nowda Police Station Case No.162 of 2021 dated 13.07.2021 under Sections 341/506/325/307/34 of the Indian Penal Code and subsequently Chargesheet submitted under Sections 341/506/325/323/308/34 of the Indian Penal Code, the present application has been preferred.

Ms. Hasin, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the dispute which occurred as regards installation of an iron pole. The allegations are omnibus in nature and upon completion of investigation chargesheet has been submitted. In view thereof, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of the witnesses and the injury report.

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

Prima facie, we find incriminating materials against the petitioner no.1 and overt act has been attributed to him and as such we are not inclined to exercise any discretion in favour of the petitioner no.1 and his prayer for anticipatory bail is refused.

However, *prima facie*, no overt act has been attributed to the petitioner nos. 2, 3 and 4 and as such custodial interrogation of the said petitioners is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Kabarul Biswas, Miltan Sk. and Tajibar Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

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

The application for anticipatory bail being C.R.M. 7705 of 2021 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.)