

CRM No.7880 of 2021

Via video conference

06.01.22

(S.R.)

Sl.08

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Frezerganj Coastal** Police Station Case No.128 of 2021 dated 19/11/2021 under Sections 447/420/406/506/34 of the Indian Penal Code (G.R. Case No.2377 of 2021);

And

In re: Acharna Sarkar

... petitioner.

Mr. Asif Dewan

... for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Apprehending arrest in connection with Frezerganj Coastal Police Station Case No.128 of 2021, the instant application is filed by one of the co-accused praying for anticipatory bail.

Mr. Dewan, learned lawyer appearing for the petitioner submitted that civil disputes are pending between the parties and the present petitioner along with others are falsely implicated for reason/motive best known by the *de facto* complainant. According to Mr. Dewan, in the given conspectus of facts, custodial interrogation is not necessary and anticipatory bail may be granted to the petitioner.

Per contra, Mr. Dan, learned lawyer appearing for the State candidly submitted that no injury report is in the case diary and investigation is still pending.

We have perused the case diary and heard rival submissions. On perusal of case diary and other materials and statements of the witnesses and considering the extent of incriminating elements, we are of the considered opinion that custodial interrogation in this case is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 petitioners shall not intimidate the witnesses 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 her bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7880 of 2021 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.)