

06.01.2022

Court No.32
rpan / 21

CRM 7934 of 2021

[through Video Conferencing]

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

And

In Re.: **Radharaman Ghosh**

- Petitioner

Ms. Sananda Bhattacharyya

... for the Petitioner.

Mr. Saibal Bapuli,

Mr. Soumik Ganguli

... for the State.

Apprehending arrest in connection with Hanskhali Police Station Case No.396 of 2021 dated 08.06.2021 under Sections 447/325/307/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Ms. Bhattacharyya, learned advocate appearing for the petitioner submits that the present complaint had been lodged as a counter-blast to an earlier complaint lodged by the members of the petitioner's family. He has been falsely implicated. The petitioner himself suffered injuries. The allegations are omnibus in nature and as charge-sheet has already been submitted, custodial interrogation is not warranted.

Mr. Ganguli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the injury report 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 been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Radharaman Ghosh**, 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, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 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 7934 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.)