

07.01.2022

Item no. 13
Court No.32
Avijit Mitra

C.R.M. 7986 of 2021 (Through Video Conference)

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

And

In Re : Sujoy Maity @ Chandan Maity @ Sujoy Kumar Maity

.... Petitioner

Mr. Navonil De,
Mr. Subhrajit Dey

....for the petitioner

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata

..... for the State

Apprehending arrest in connection with Sabong Police Station Case No.279 of 2021 dated August 19, 2021 under Sections 448/376/506/509 of the Indian Penal Code the instant application is filed praying for pre-arrest bail.

Mr. De, learned lawyer for the petitioner submitted that the daughter of the present petitioner is the daughter-in-law of the victim lady and the present allegation is counter-blast to matrimonial case and complaint lodged by the said daughter-in-law against the victim lady. Investigation has progressed much. Allegations are false. Custodial detention of the present petitioner is not necessary. Accordingly, anticipatory bail is prayed for.

Per contra, learned lawyer representing the State Mr. Sur submitted, that the statement of the victim recorded under

Section 164 of the Code of Criminal Procedure clearly implicates the present petitioner. However, he admitted that the medical examination of the victim took place after lapse of five months. Considering the incriminating materials and seriousness of the allegations, Mr. Sur opposes the anticipatory bail application.

We have perused the case diary and heard rival submissions. The statement of the victim recorded under Section 164 of the Code of Criminal Procedure is strongly incriminatory against the present petitioner. However, the medical reports do not appear to be corroborative in nature. We have also perused the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, some of which also appear to be non-corroborative in nature. Considering the nature of allegation, the extent of incriminating materials and progress of the investigation, we are inclined to allow the anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Sujoy Maity @ Chandan Maity @ Sujoy Kumar Maity** 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 with a further direction that he will not leave the jurisdiction of Narayangarh Police Station without prior permission of the Investigating Officer till the investigation is complete.

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

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

The application for anticipatory bail being C.R.M. 7986 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.)