

CRM No.8028 of 2021

Via video conference

07.01.22

(S.R.)

Sl.22

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No.485 of 2020 dated 18/11/2020 under Sections 448/323/325/436/307/379/427/506/34 of the Indian Penal Code;

And

In re: Tarak Saha & Ors.

... petitioners.

Ms. Sananda Bhattacharyya

... for the petitioners.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Ms. Bhattacharyya, learned advocate appearing for the petitioners submits that they have been falsely implicated. The allegations are *omnibus* in nature and upon completion of investigation charge sheet has also been submitted. A co-accused person, similarly situated, had already been granted anticipatory bail by this Court. In the said conspectus, custodial interrogation is not warranted.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, 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 direct that in the event of arrest the petitioners, namely, **1. Tarak Saha, 2. Uttam Sarkar and 3. Rakesh Das** will be released on bail upon furnishing a bond of Rs.10,000/- each 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 and shall attend the learned trial court on all the dates specified for hearing.

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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.8028 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.)