

CRM No.8334 of 2021

Via video conference

13.01.22

(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 **Chandrakona** Police Station Case No.492 of 2019 dated 19/11/2019 under Sections 448/323/325/354/379/506/34 of the Indian Penal Code;

And

In re: Samar Ghosh

... petitioner.

Mr. Amitabha Karmakar

...for the petitioner.

Mr. Subrata Roy

... for the State.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the complaint has been lodged about 27 days after the alleged incident. In view of delay, the possibility of exaggerated account of the incident cannot be ruled out. The allegations are *omnibus* in nature and other co-accused persons, similarly situated with the petitioner, had been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code. Answering a query of this Court, he submits that there is no medical report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. There is no medical document on record as regards the allegations levelled. Considering the nature of accusations 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 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 petitioner 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 petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.8334 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)