

27.01.2022
Item no. 259
Court No.32
Avijit Mitra

C.R.M. 8345 of 2021 (Through Video Conferencing)

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

And

In Re : Mithun Biswas

.... petitioner

Mr. Arindam Jana,
Mr. Sourav Chakraborty

....for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Dhantala Police Station Case No.485 of 2020 dated 13.11.2020 under Sections 448/323/326/436/307/379/427/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity. No specific overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has been submitted and as such, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the injury report, the nature of accusations and the extent of complicity of the petitioner in the alleged offence,

we are of the opinion that custodial interrogation of the petitioner is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Mithun Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

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.8345 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)

