

13.01.2022
Ct. No. 32
Sl. No.33
sdas

C. R. M. 8379 of 2021
[via video conferencing]

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

And

In Re: ***Srikrishna Das & Ors.***

... .. Petitioners

Mr. Sujoy Sarkar

... .. for the petitioners

Mr. Saibal Bapuli, learned APP

Mr. Arani Bhattacharyya

... .. for the State

Apprehending arrest in connection with Suri Police Station Case No. 311 of 2019 dated 28.06.2019 under Sections 448/325/323/354B/34 of the Indian Penal Code, the present application has been preferred by the petitioners.

Mr. Sarkar, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. Upon completion of investigation charge-sheet has also been submitted and as such custodial interrogation is not necessary.

Mr. Bhattacharyya, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the seizure list. He further submits that the petitioners are absconding. However, he is unable to apprise this Court as to whether warrant of arrest was issued.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the seizure list and the extent of complicity of the

petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners 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 petitioners, namely, **(1) Srikrishna Das (2) Shital Baidya @ Shital Bede (3) Paban Baidya and (4) Buddhadeb Bede @ Buddhadeb Baidya** shall 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 a local, to the satisfaction of the Arresting Officer and also 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 attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8379 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)

