

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

C. R. M. 8378 of 2021
[via video conferencing]

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

And

In Re: ***Kali Khatick & Ors.***

... .. Petitioners

Mr. Satadru Lahiri
Mr. Safdar Azam

... .. for the petitioners

Mr. Prasun Kumar Datta
Mr. R. Jana

... .. for the State

Apprehending arrest in connection with New Market Police Station Case No. 200 dated 25.10.2021 under Sections 323/354/379/114 of the Indian Penal Code, this application has been preferred by the petitioners.

Mr. Lahiri, learned advocate appearing for the petitioners, submits that the petitioners have been falsely implicated and there exists a counter case amongst the parties pertaining to the same incident. The allegations are omnibus in nature. In the said conspectus, custodial interrogation is not necessary.

Mr. Datta, 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 appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the injury report 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 warranted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, **(1) Kali Khatick (2) Sawan Khatick @ Sawan Kr. Sonkar (3) Chotu Khatick @ Dipak Kumar Sonkar and (4) Rohit Khatick @ Rohit Sonkar** 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 and on further condition that the petitioners shall meet with the investigating officer once in a fortnight till investigation is complete.

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 8378 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.)

