

14.01.2022
Item no. 24
Court No.32
Avijit Mitra

C.R.M. 8445 of 2021 (Through Video Conference)

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

And

In Re : Parimal Dutta & anr.

.... petitioners

Mr. Soumya Nag

....for the petitioners

Mr. Neguive Ahmed,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Santipur Police Station Case No.769 of 2021 dated 01.10.2021 under Sections 341/326/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Nag, learned advocate appearing for the petitioners submits that pertaining to an incident on 25th September, 2021, a complaint was lodged on behalf of the petitioners herein on 6th October, 2021. As a counter-blast, a complaint was lodged on behalf of the *de facto* complainant on 1st October, 2021. The allegations are omnibus in nature and the petitioners have been falsely implicated. In view thereof, custodial interrogation is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury report and submits that the investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the nature of accusations, the injury reports and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Parimal Dutta and Suman Dutta** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 with a further condition that the petitioner shall meet with the Investigating Officer once a week till investigation is complete.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8445 of 2021 is 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.)

