

CRM No.8466 of 2021

Via video conference

14.01.22

(S.R.)

Sl.30

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chinsurah Women** Police Station Case No.49 of 2021 dated 21/09/2021 under Sections 498A/406/506/323/34 of the Indian Penal Code;

And

In re: Bijoy Man

... petitioner.

Mr. Indrajit Chatterjee

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.

Mr. Imran Ali

Ms. Debjani Sahu

... for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident pertaining to the month of January 2020 more than 15 years after his marriage with the *de facto* complainant. The allegations are *omnibus* in nature. There is also no possibility that the petitioner would flee from justice, as he is an employee in the West Bengal Land Reforms Department and is posted at Chandannager, Hooghly. The other co-accused persons have already been granted anticipatory bail by the learned Sessions Court. In the said conspectus, custodial interrogation is not warranted.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and submits that investigation is still continuing.

Having heard the learned advocates and considering the materials in the case diary, 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 the petitioner is a government employee and, *prima facie*, there is no

possibility that he would flee from justice or delay the trial by abscondence.

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 with a further condition that the petitioners shall meet with the investigating officer of the case once in a week till investigation is complete.

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.8466 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.)