

CRM 8715 of 2021
(via video conference)

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

In the matter of : **Sudip Barui**

..... petitioner

Mr. Soumyajit Das Mahapatra
.....For the petitioner

Mr. Narayan Prasad Agarwala
Ms. Subhasree Patel
.....For the State

Apprehending arrest in connection with Kotwali Police Station Case No. 682/ 2021 dated 23.11.2021 under Sections 341/325/326/307/354/379/34 of the Indian Penal Code, the present application has been preferred.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statement of the victim as recorded under Section 164 of the Code, the injury report, the nature of accusations, the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary. *Prima facie*, as the petitioner is a Government servant, there is also no possibility that he would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Sudip Barui** shall 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 further condition that the petitioner shall meet with the Investigating Officer once in a fortnight till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8715 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)