

25.01.2022
Item no. 15
Court No.32
Avijit Mitra

C.R.M. 8744 of 2021 (Through Video Conferencing)

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

And

In Re : Chandra Shekhor Sarkar @ Omkar Sarkar @ Omkar & ors.

.... petitioners

Mr. Kalidas Saha

....for the petitioners

Mr. Navonil De

..... for the State

Apprehending arrest in connection with Mothabari Police Station Case No.344 of 2021 dated 21.10.2021 under Sections 448/324/325/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to a previous enmity amongst the parties. No specific overt act has been attributed to the petitioners. In view thereof, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. De, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find incriminating materials against the petitioner no.1. Considering the nature of accusations and the extent of complicity of the petitioner no.1 in the alleged offence, we are not inclined to grant anticipatory bail to the petitioner

no.1, namely, **Chandra Shekhor Sarkar @ Omkar Sarkar @ Omkar** and his prayer is refused.

The petitioner nos. 2 and 3 are female members of the family and *prima facie*, there is no possibility that they would flee from justice or delay the trial by abscondence. Considering the nature of accusations levelled against them and the extent of complicity of the petitioner nos. 2 and 3, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners no. 2 and 3 namely, **Rubi Mandal @ Rubi Sarkar and Renuka Mandal @ Renuka Sarkar @ Renu Sarkar**, 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.

The petitioner nos.2 and 3 and shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner nos.2 and 3 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner nos.2 and 3 fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the anticipatory bail of petitioner nos.2 and 3 without any further reference to this Court.

The application for anticipatory bail being C.R.M.8744 of 2021 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)