

25.01.2022

Court No.32
sourav/32

C.R.M. 8803 of 2021

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

And

In re: **Mohit Biswas and Another.**

-Petitioners

Mr. Sourav Mukherjee

... for the Petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No. 475 of 2021 dated 19.09.2021 under Sections 341/326/307/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations are omnibus in nature and no specific overt act has been attributed to the petitioners and in view thereof, they may be granted anticipatory bail.

Mr. Sur, learned APP appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the injured, as recorded under Section 164 of the Code 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 and the extent of complicity of

the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, in the event of arrest the petitioners, namely, **Mohit Biswas** and **Swapan Biswas** 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 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 once in a week till the investigation is complete.

The petitioners shall also attend the learned court below on all the dates as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM No. 8803 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.

(Kesang Doma Bhutia, J.)

(Tapabrata Chakraborty, J.)