

25.01.2022
Item no. 39
Court No.32
Avijit Mitra

C.R.M. 8825 of 2021 (Through Video Conferencing)

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

And

In Re : Biswajit Shil

.... petitioner

Mr. Sourav Mukherjee

....for the petitioner

Mr. Bidyut Kumar Roy,

Ms. Rita Datta

..... for the State

Apprehending arrest in connection with Palashipara Police Station Case No.256 of 2020 dated 09.09.2020 under Sections 498A/323/307/34 of the Indian Penal Code, the present application has been preferred.

Heard the learned advocates appearing for the respective parties.

Prima facie, it appears that the allegations are omnibus in nature. No specific overt act has been attributed to the petitioner, who is the brother-in-law of the victim. He has been falsely implicated in the alleged incident which occurred about 11 years after the marriage of the victim lady. It further appears that other family members, who are similarly situated with the petitioner, have also been granted anticipatory bail by a Coordinate Bench of this Court. In view thereof, custodial interrogation of the petitioner is not necessary more so when upon completion of investigation, chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Biswajit Shil**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 shall attend the learned Trial Court on all the dates as specified for hearing.

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

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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.8825 of 2021 is 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.)