

CRM 8876 of 2021
(via video conference)

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

In the matter of : **Nitai Santra**

..... petitioner

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

.....For the petitioner

Mr. Tanmay Kumar Ghosh
Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Bhagwanpur Police Station Case No. 192 of 2021 dated 25th June, 2021 under Sections 341/323/325/307/354/379/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the de facto complainant was inducted as a tenant in a shop room owned by the petitioner's father. He refused to vacate the shop room in terms of the agreement which was executed. In view thereof, a dispute occurred and the entire family of the petitioner was roped in. The other family members have been granted anticipatory bail by the learned Sessions Court and one Santosh Prodhan had also been granted anticipatory bail by a coordinate Bench of this Court on 20th September, 2021. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the injury report. Answering our queries he submits that investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statements of the witnesses and the injury report, the nature of injury, the nature of accusations and the complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary moreso when co-accused persons, similarly situated with the petitioner, had been granted anticipatory bail.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Nitai Santra** 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 a further direction that the petitioner will meet with the investigating officer once 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 8876 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)