

27.01.2022

Court No.32
rpan/13

C.R.M. 8900 of 2021

[Through Video Conferencing]

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

And

In re: **Bidhan Sarkar**

- Petitioner

Mr. Kaushik Chaudhury,

Ms. Bursa Khatun

... for the Petitioner.

Mr. Debabrata Chatterjee,

Ms. Debjani Sahu

... for the State.

Apprehending arrest in connection with Balurghat Police Station Case No.411 of 2021 dated 02.08.2021 under Sections 498A/302/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chaudhury, learned advocate appearing for the petitioners submits that the petitioner arranged the marriage of the victim lady. He has been falsely implicated. He has no involvement in the alleged offence. The victim committed suicide. The parents-in-law of the victim, whose extent of complicity in the alleged offence is similar to that of the petitioner herein, had already been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, it appears that the allegations are omnibus in nature. No specific overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been submitted and as such, we are of the opinion that custodial interrogation is not necessary. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Bidhan Sarkar** 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.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8900 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.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)