

CRM 8947 of 2021
(via video conference)

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

In the matter of : **Samir Das**

..... petitioner

Mr. Ayan Basu
Mr. Goutam Banerjee
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

.....For the petitioner

Mr. Subrata Roy

.....For the State

Apprehending arrest in connection with Harwood Point Costal Police Station Case No. 178 of 2020 dated 16.08.2020 under Sections 147/323/325/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner is a labourer under the complainant's husband who is the owner of the fishing boats. A dispute occurred as regards non-payment of monetary amount advanced. The allegations are omnibus in nature and upon completion of investigation, charge sheet has already been submitted. In the said conspectus, the petitioner may be granted anticipatory bail.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the medical

documents. Answering the queries of this Court he submits that charge sheet has been submitted and that no proclamation has yet been issued against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case, the nature of accusations, the manner in which the incident occurred and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Samir Das** 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 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 8947 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.)