

11.03.2022
Item no. 124
Court No.32
Avijit Mitra

C.R.M.12153 of 2019
with
CRAN 2 of 2021

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

And

In Re : Romi Hirawat @ Romi Jain

.... petitioner

Mr. Sabyasachi Banerjee,
Ms. Anshumala Bansal

...for the petitioner

Mr. Saibal Bapuli,
Mr. Rudradipta Nandy,
Mr. Bibaswan Bhattacharya

....for the State

Apprehending arrest in connection with Bidhannagar (North) Police Station Case No.147 of 2019 dated 06.10.2019 under Sections 170/171/417/419/420/465/466/467/468 / 469/472/473/120B/34 of the Indian Penal Code, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioner submits that initially the petitioner was granted *interim* protection by an order dated 23rd December, 2019 for a period of five weeks. The said *interim* order was again extended for a period of 10 weeks by an order dated 3rd February, 2020. Subsequent thereto, chargesheet was submitted on 2nd December, 2021. However, the petitioner could not pray for extension of the *interim* order passed earlier due to the pandemics and after the situation normalised, the present application has been filed in the month of April, 2021. He

further submits that the petitioner's name has not been incorporated in the chargesheet and in view thereof, he may be granted anticipatory bail on any stringent condition.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that further investigation is still continuing.

Upon hearing the learned advocates appearing for the respective parties and considering the averments made in the present application and the supplementary affidavit as filed, we are satisfied with the explanation given towards the inability of the petitioner to pray for extension of *interim* order within time. Considering the nature of accusations and as investigation has proceeded substantially, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Romi Hirawat @ Romi Jain**, 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 with a further condition that the petitioner shall meet with the Investigating Officer once a month till investigation is complete.

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.

Accordingly, the application for anticipatory bail being C.R.M. 12153 of 2019 and the application being CRAN 2 of 2021 are 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.)