

CRM (A) 195 of 2022

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

In the matter of : **Sri Bhajan Biswas & Anr.**

..... petitioners

**Mr. Hillol Saha Podder
Mr. Sayantan Bhowmik
Ms. Mousumi Das**

.....For the petitioners

**Mr. Saikat Chatterjee
Ms. Namrata Das**

.....For the State

Apprehending arrest in connection with Kharibari Police Station Case No. 379 of 2021 dated November 26, 2021 under Sections 341/186/332/333/353/379/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Podder, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. Pertaining to the selfsame incident, two F.I.R.s were lodged – the previous one was one F.I.R. No. 378 of 2021 dated 26th November, 2021 and the subsequent one was F.I.R. No. 379 of 2021 dated 26th November, 2021. In connection with the previous complaint, the petitioners have been granted anticipatory bail by the co-ordinate Bench of this Court. In the said conspectus, custodial interrogation of the petitioners may not be necessary and

the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Chatterjee, learned advocate appearing for the State submits that the hospital was ransacked and it suffered loss to the tune of more than Rs. 3,00,000/-. The petitioners are directly involved and the investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that pertaining to the same incident, two complaints were lodged. In the proceeding initiated on the basis of the first complaint, the petitioners herein have already been granted anticipatory bail by a co-ordinate Bench of this Court. Let the order, as produced, be kept on record.

Considering the nature of allegations, the manner in which the offence has taken place, the injury report and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sri Bhajan Biswas** and **Sri Shambhu Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 further condition that the petitioners shall meet with the investigating officer once a fortnight till investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 195 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)