

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

29.08.2023
Court No.01
rpan/ 06

CRM (A) 608 of 2023

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

And

In Re: Suraj Sahani & Another

- Petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das
...for the Petitioners
Mr. U. Luksom
Ms. Namrata Das
...for the State

Apprehending arrest in connection with Siliguri Police Station Case No.458 of 2023 dated 14.06.2023 under Sections 341/323/354B/354/379/506 of the Indian Penal Code, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioners submits that there was an enmity between the parties who were residing as neighbours. The petitioners have been falsely implicated. The allegations are omnibus in nature. In the said conspectus, custodial interrogation of the petitioner no.1 and his wife, being the petitioner no.2 may not be necessary and they may be granted anticipatory bail on any stringent condition.

Ms. Das, learned advocate appearing for the State, however, opposes Mr. Saha's prayer and submits that there are strong incriminating materials on record against the petitioner.

Heard the learned advocates and considered the materials in the case diary, including the contents of the complaint as well as the medical report. Considering the manner in which the offence

has taken place and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation of the petitioners may not be necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Suraj Sahani** and **2. Moumita Biswas** 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 a further condition that the petitioner no.1 shall meet with the Investigating Officer of the case once a week till the investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 608 of 2023, is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)