

04.07.2024
SL No.27
Court No.29
TN
(Allowed)

CRM (A) 2106 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No.777 of 2019 dated 15.11.2019 under Sections 436/120B/34 of the Indian Penal Code subsequently charge sheet submitted on 20.06.2020 under Sections 436/120B/34 IPC.

And

In the matter of : **Sagar Biswas.**

- petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

....for the petitioner.

Ms. Sayanti Santra,
Mr. A. Parvez

... for the State.

1. The learned counsel for the petitioner submits that the principal accused Sagar Sarkar has been recently enlarged on bail and the petitioner is in no way connected with the alleged offence.
2. The learned counsel for the State in opposing the prayer has referred to the statement of the mother, wife and daughter of the *de facto* complainant.
3. Considering the materials available in the case diary, having regard to the fact that statement of the witnesses have made specific allegation against Sagar Sarkar and the allegation against the present petitioner is omnibus in nature and having regard to the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sagar Biswas** 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
5. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Nadia at Krishnagar in connection with GR Case No. 850 of 2019 within two weeks from date and pray for regular bail.
6. It is further directed that the petitioner shall appear each and every date of hearing before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)