

05.03.2021
Item no.36
Court No.28
Avijit Mitra

C.R.M. 594 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Farakka Police Station Case No.319 of 2020 dated November 09, 2020 under Sections 341/323/325/307/34 of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act;
And

In Re : Muni Momin @ Monirul Islam & anr.

.... Petitioners

Ms. Sreyashee Biswas,
Mr. Snehasish Pal

...for the petitioners

Mr. P.K. Dutta,
Mr. Nirupam Dhali

...for the State

Learned advocate appearing for the petitioners submits that during pendency of the present application the petitioner no.2 has been granted bail. The present application so far as the petitioner no.2 is dismissed as infructuous. She further submits that the petitioner no.1 has been falsely implicated and no overt act has been attributed to the petitioner no.1. Upon completion of investigation chargesheet has also been filed and out of 8 chargesheeted accused persons 6 have already been granted bail. In the said conspectus, custodial interrogation of the petitioner no.1 is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

injury report and the statement of the injured lady as recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioner no.1 is not warranted in the facts and circumstances of the instant case. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Muni Momin @ Monirul Islam and Saimul Sk.**, shall be released on anticipatory 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..

Accordingly, the application being C.R.M. No. 594 of 2021 is disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

