

05.03.2021
Item no.38
Court No.28
Avijit Mitra

C.R.M. 596 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 Samserganj Police Station Case No.136 of 2020 dated July 29, 2020 under Sections 448/427/323/307/506/379/34 of the Indian Penal Code;

And

In Re : Mojaheerul Islam @ Fangfung

.... Petitioner

Ms. Sreyashee Biswas,

Ms. Benajir Hasna

...for the petitioner

Mr. Sandip Chakraborty

...for the State

Mr. Arindam Chattopadhyay,

Ms. Lipika Thakur Chatterjee

...for the *de facto* complainant

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against the petitioner are also unfounded. In view thereof, custodial interrogation of the petitioner is not necessary in the present case.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and submits that the investigation is still in progress.

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 petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner 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, **Mojaherul Islam @ Fangfung**, 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. 596 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.)