

21.
15-09-2021
(ct. no.32)
KOLE
Allowed

CRM 1509 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur Police Station** Case No. **336 of 2016** dated **27.06.2016** under Sections **147/148/149/341/325/326/353/307/506** of the Indian Penal Code.

- A n d -

In the matter of : Altab Mia @ Altaf Miah & Ors.

.... Petitioners.

Mr. B. Banerjee,

... For the Petitioners.

Mr. P. K. Dutta, APP.

Mr. S. Deb Roy,

... For the State.

The petitioners are 4 out of 72 charge sheeted persons. The incident is that there was a clash between two groups of people belonging to different villages. The police went to the place of occurrence to restore peace. Then the accused persons assaulted the police personnel.

We have seen the material in the case diary. We have also seen the injury report. Several accused persons have been granted anticipatory bail by the learned Trial Court. It is not in dispute that the petitioners stand on the same footing.

The State tried to argue that the petitioners were absconding for 3/4 years. However, it is surprising that no proclamation was issued.

On an overall assessment of the facts and circumstances and the material on record as well as the possible extent of complicity of the petitioners in the alleged offence and given the

fact that charge sheet has already been submitted, in our view, immediate custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners, namely, **Altab Mia @ Altaf Miah, Mosaraf Hossain, Fazlur Rahaman** and **Jalaluddin Mia** 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1509 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)