

CRM No.2176 of 2021

Via video conference

24.11.21

(S.R.)

Sl.146

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tarakeswar** Police Station Case No.216 dated 26/10/2019 under Sections 341/326/307/506/34 of the Indian Penal Code read with Section 3/4 of the Explosive Substance Act (G.R. Case No.1283 of 2019);

And

In re: Sk. Manirul @ Akkas @ Sk Monir & Ors. ... petitioners.

Mr. Abhijit Ganguly

Mr. Shiladitya Banerjee

... for the petitioners.

Mr. Madhusudan Sur, APP

Mr. Dipnkar Paramanick

...for the State.

The learned advocate appearing for the petitioners submits that they have been falsely implicated due to political rivalry. No overt act has been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not necessary.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioners' prayer drawing our attention to the injury reports and the statements of the eyewitnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the statements of the witnesses, the injury reports and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary more so when the issue of political rivalry cannot be ruled out. However, to instill confidence in the mind of the witnesses, the movement of the petitioners needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioners,

namely, **1. Sk. Manirul & Akkas @ Sk Monir, 2. Molla Saidul @ Saidul Molla, 3. Molla Jakir, 4. Munshi Jafar, 5. Sk. Kurban, 6. Abhijit Malik and 7. Biswajit Malik** 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 petitioners shall not enter the jurisdiction of **Tarakeswar** Police Station until further orders.

It is further directed that the petitioners shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being CRM No.2176 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)