

09.07.21
(S.R.)
Sl.01
Ct.30

CRM No.3658 of 2020
with
CRAN No.1 of 2020 (Old CRAN No.1932 of 2020)
Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **04.05.2020** in connection with **Khayrasole** Police Station Case **No.22** of **2020** dated **23/02/2020** under Sections **341/325/326/307/34/448** of the Indian Penal Code (G.R. Case **No.96 of 2020**);

And

In re: Kadam Khan & Ors.

... petitioners.

Mr. Kunal Ganguly

... for the petitioners.

Mr. S.G. Mukherji, Ld.PP

Mr. N. Ahmed

Md. Anwar Hossain

Ms. Amita Gaur

... for the State.

Mr. Ganguly, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to political rivalry. The allegations levelled against them are unfounded. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the injury reports.

Records reveal that by an earlier order dated 2nd June, 2020, a coordinate bench of this Court directed that the petitioners shall not be arrested for a period of ten weeks or until further orders, whichever is earlier on condition that the petitioners shall cooperate with the investigation, in accordance with law and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. Such interim order was subsequently extended by an order dated 1st July, 2021.

Answering a query of this Court, Mr. Ahmed submits that there is no adverse report against the petitioners and they have complied with the conditions, as incorporated in the earlier order of this court dated 2nd

June, 2020.

In the said conspectus and considering the nature of allegations and the injury reports, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances, more so when, upon completion of investigation charge sheet has been filed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Kadam Khan, 2. Geda Khan, 3. Akherul Khan, 4. Israul Khan, 5. Jiarul Khan and 6. Sakera Bibi** 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 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.3658 of 2020 is, accordingly, disposed of.

The application being CRAN No.1932 of 2020 has already been disposed of earlier by an order dated 2nd June, 2020.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)