

04.06.2021
Court No.28
Rpan / **48**

C.R.M. 3248 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Rahim Sk @ Rahim Sekh & Another**

- Petitioners.

Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon

... for the petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

... for the State.

Apprehending arrest in connection with Bhagwangola P.S. Case
No.184 of 2020 dated 02.05.2020 under Sections
341/325/326/307/506/34 of the Indian Penal Code with added
Section 302 of the Indian Penal Code, the petitioners have filed the
present application.

The learned advocate appearing for the petitioners submits that
there was a longstanding dispute between the parties and in a free
fight, members of both the groups were injured. One Halim Sk.
expired about a month after the alleged incident and the petitioners
have been falsely implicated. A co-accused person, similarly
situated with the petitioners, had already been granted
anticipatory bail by an order dated 7th April, 2021 in CRM 10975
of 2020. Upon completion of investigation, charge sheet has also
been filed and as such, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes
the petitioners' prayer and draws our attention to the statements of

the witnesses, as recorded under Sections 161 and 164 of the Code as well as the injury reports.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that persons of both the groups were injured, a co-accused person, similarly situated with the petitioners, had been granted anticipatory bail. In view thereof and considering the nature of allegations and the extent of alleged complicity of the petitioners, we are of the opinion that their custodial detention/interrogation is not warranted in the facts and circumstances of the case, more so, when upon completion of investigation, charge sheet has also been filed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Rahim Sk @ Rahim Sekh** and **2. Hamid Sk @ Hamid Sekh** shall be released on bail upon furnishing a bond of ₹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 and on a further condition that the petitioners shall meet with the Officer-in-Charge, Bhagwangola Police Station once a week on and 9th June, 2021 until further orders.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses. They shall also attend the learned Court below on all the dates, as specified for hearing.

In the event they fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at

liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 3248 of 2021, is, thus, disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)