

21.09.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 3454 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **05** of **2016** dated **03.01.2016** under Sections 147/148/149/323/325/326/332/333/353/186/379/427/435/436/506 of the Indian Penal Code, 1860, Section 3/ 4 of the DPP Act and adding Sections 411/307/120(B) of the Indian Penal Code read with Section 25/27/35 of the Arms Act.

And

In Re : Jakir Sk.

..... petitioner

Mr. Joy Chakraborty
Mr. Sandip Dinda

.....for the petitioner

Mr. Neguive Ahmed
Mr. Anwar Hossain
Ms. Amita Gaur

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was not aware of the pending proceeding till his son was arrested. He draws the attention of the Court to the fact that some of the accused were granted bail by the Jurisdictional Court. According to him, since the police submitted charge-sheet, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary and to

the order dated June 24, 2019 rejecting the prayer for anticipatory bail in respect of other co-accused. He submits that, the prayer for anticipatory bail was rejected in respect of other co-accused, who were named in the First Information Report (FIR). The petitioner is also named in the FIR.

Considering the materials in the case diary and considering the fact that the police submitted charge-sheet and considering that some co-accused were granted bail, we do not see any requirement of the petitioner being taken into custody for interrogation. Accordingly, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the jurisdictional Court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

