

30.11.2021
Court No.32
Item No. 142
Krishnendu
Allowed (SM,J)

**C.R.M. 3548 of 2021
(Via Video Conference)**

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

And

In re: **Md. Tuhur Sk. @ Tuhursk**

Petitioner

Mr. Musharraf Alam Sk.

For the Petitioner

Mr. Swapan Banerjee, Id. A.P.P.

Mr. Suman De

For the State

Apprehending arrest in connection with Kaliachak Police Station Case No. 688 of 2020 dated 11.09.2020 under Sections 411/413/414/120B of the Indian Penal Code and under sections 49B/52 of the Wild Life (Protection) Act, 1972, the present application has been preferred.

Learned lawyer for the petitioner submitted that the name of the present petitioner appears from the statements of the co-accused persons. There is no material to connect the petitioner with the alleged offence. Therefore, the learned lawyer submitted, that custodial detention of the present petitioner is neither necessary nor warranted in view of dubious materials.

Per contra, the learned lawyer representing the State submitted that strong incriminating elements are against the present petitioner inasmuch as he is involved in a racket and

his name comes out from the statements of the co-accused from whom recovery of contraband articles were made.

We have heard rival submissions and perused the case diary and other materials.

The name of the present petitioner comes out, as submitted by the learned lawyer for the State, from the statements of the co-accused persons. No other strong incriminating elements are there against the present petitioner.

In view of that, we are inclined to allow the present anticipatory bail application of the petitioner and direct that in the event of arrest, the petitioner, namely, **Md. Tuhur Sk. @ Tuhursk**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further directions that the petitioner shall meet with the Investigating Officer once in a week from 6th December, 2021 till investigation is complete and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

With the aforesaid observations, the application for anticipatory bail, being CRM No. 3548 of 2021, is 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)