

13.12.2021
Court No.32
rpan / **01**

C.R.M. 4203 of 2021

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

And

In re: **Asraful Ali**

- Petitioner

Mr. Ali Ahsan Alamgir,

Ms. Riya Das

... for the Petitioner

Mr. Rudradipta Nandy

... for the State

Apprehending arrest in connection with Bhagwangola Police Station Case no.184 of 2020 dated 02.05.2020 under Sections 341/325/326/307/506/34 of the Indian Penal Code, 1860 with added Section 302 of the Indian Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a long-standing dispute between the parties and the petitioner has been falsely implicated. A co-accused person, namely, Abdul Kader Sekh @ Kader Sk. was granted anticipatory bail by this Court on 7th April, 2021 in CRM 10975 of 2020 and the petitioner is similarly situated with him. In the said conspectus and since upon completion of investigation charge sheet has been submitted, custodial interrogation is not warranted.

Mr. Nandi, learned advocate for the State, opposes the petitioner's prayer and submits that he was previously granted bail in this case by the learned court below, however, upon completion of investigation charge sheet was submitted

incorporating Section 302 of the Indian Penal Code, 1860 and thereafter the petitioner's bail was cancelled. However, Mr. Nandi could not dispute that the petitioner is similarly situated with Abdul Kader Sekh, who was granted anticipatory bail by a co-ordinate Bench of this Court.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and since a co-accused person similarly situated with the petitioner has already been granted anticipatory bail, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has already been filed. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Asraful Ali** 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall meet with the Officer-in-charge, Bhagwangola Police Station once a week until further orders.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 court below would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM No. 4203 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)