

30.11.2021
Court No.32
rpan / **162**

C.R.M. 4218 of 2021

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

And

In re: **Amal Halder & Others**

- Petitioners

Mr. Prabir Majumder

....For the Petitioners.

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

....For the State

Apprehending arrest in connection with Krishnaganj Police Station Case No. 38 of 2021 dated 20.02.2021 under Sections 447/325/326/307/379/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioners submits that there was a dispute pertaining to banana plantation and they have been falsely implicated. The present case is a counter blast to a complaint lodged on behalf of the petitioners. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted.

Mr. Dan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statements of the witnesses, as recorded under Section 161 of the Code and the injury reports.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the possibility of false implication of the petitioners cannot be ruled out due to previous enmity. Considering the nature of allegations, the injury reports and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted in the facts and circumstances of the case, more so when, upon completion of investigation charge sheet has already been submitted and as there is no likelihood that the petitioners would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Amal Halder, 2. Rekha Halder, 3. Arijit Halder, 4. Parimal Halder, 5. Swadhin Halder** and **6. Subhash Halder**, 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court 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 No. 4218 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.)