

07.12.2021
Court No.32
Item No. 01
Krishnendu
Allowed

**C.R.M. 4471 of 2021
(Via Video Conference)**

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

And

In re: **Chamu Sardar alia Samsuddin Sardar & Ors.**
Petitioners

Ms. Shabana Hasin

For the Petitioners

Mr. S.S. Imam
Mr. Subrato Roy

For the State

Apprehending arrest in connection with Domkol Police
Station Case No. 267 of 2021 dated 17.05.2021 under
Sections 341/326/307/354/34 of the Indian Penal Code, the
present application has been preferred.

Ms. Hasin, learned advocate appearing for the petitioners
submits that there was a subsisting dispute between the
parties. The petitioner no. 1 is an aged person of 76 years old.
The petitioner nos. 2 and 3 are women and they have been
falsely implicated. The allegations levelled against them are
omnibus in nature. Co-accused persons have already been
granted anticipatory bail by a Co-ordinate Bench of this Court
on 20th September, 2021 in C.R.M. 4738 of 2021. In the said
conspectus, custodial interrogation of the petitioners is not
warranted.

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

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioners in the alleged offence and as, *prima facie*, there is no likelihood that the petitioners would flee from justice or delay the trial, we are of the opinion that custodial interrogation of the petitioners is not warranted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Chamu Sardar alias Samsuddin Sardar, Haoya Bibi alias Haowa Sardar and Rangila Bibi alias Ranggila Sardar**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 on conditions that the petitioners shall attend the learned court below on all the dates, as 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 petitioners fail to comply with the aforesaid directions without any justifiable

cause, the learned Court below would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 4471 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)