

02.12.2021
Item no.136
Court No.32
Avijit Mitra

C.R.M. 4719 of 2021

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

And

In Re : Maruf Sk. @ Maruf Ali & ors.

.... petitioners

Mr. Arnab Saha,

Mr. Abhimanyu Banerjee

....for the petitioners

Ms. Zareen N. Khan,

Mr. M.F.A. Begg

..... for the State

Apprehending arrest in connection with Mothabari Police Station Case No.103 of 2021 dated 24.04.2021 under Sections 448/323/325/308/351/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioners submits that there was a free fight between the parties due to previous enmity and the petitioners have been falsely implicated. The allegations are omnibus in nature. In the said conspectus, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the injury report and the nature of allegations, we are of the opinion that custodial interrogation is not necessary, more

so when, the possibility of implication due to a subsisting dispute between the parties, cannot be totally ruled out.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Maruf Sk. @ Maruf Ali, Mobarak Sk. @ Mubarak Hossain, Md. Jiayul Sk. @ Jiayul Haque, Md. Rasel Sk. @ Rasel Ali, Samiruddin Sk. @ Royel Sk. @ Samiruddin, Rokeya Bibi and Nasiruddin Sk.**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 further direction that the petitioner nos. 1 to 5 shall meet the investigating officer once a week till the investigation is over.

They shall not intimidate the witnesses and/or tamper with evidence 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 trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4719 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.)

