

22.09.2021
Item no.17.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4715 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 14.07.2021 in connection with Farakka Police Station Case No.312 of 2020 Dated 02.11.2020 under Sections 341/304/34 of the Indian Penal Code

And

In the matter of : Md. Samayun Ali @ Samayun Sk. & Anr.

.....Petitioners.

Mr. Sandip Chakraborty,
Mr. Koustav Dasfor the Petitioners.

Ms. Sukanya Bhattacharya,
Mr. Pratick Bosefor the State.

The petitioners say that the residents of the village where they reside apprehended a person whom they thought was a thief. The person was beaten up. He suffered injuries. He succumbed to such injuries in hospital. Apparently, before passing away, he had told his wife that two persons had assaulted him whose names are Tarikul Sk. and Nazir Sk. These are the two persons named in the first information report as well.

The petitioners say that many villagers were implicated in the case. Most of them have been granted anticipatory bail / bail by the learned Trial Court. Charge sheet has been

submitted. Custodial interrogation of the petitioners is not necessary.

We have seen the material in the case diary. It appears that several villagers were implicated and many of them have been granted bail or anticipatory bail by the learned Trial Court. Prima facie, there is no direct implication of the petitioners in the alleged offence.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the commission of the alleged offence, we are of the view that immediate custodial interrogation of the petitioners is not necessary so long as they are prepared to cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, namely Md. Samayun Ali @ Samayun Sk. and Md. Masiur Rahaman @ Masiur Sk. 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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.4715 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)