

07.12.2021
Court No.32
Item No. 177
Krishnendu
Allowed

**C.R.M. 4905 of 2021
(Via Video Conference)**

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

And

In re: **Sirajul Haque Mondal & Ors.**

Petitioners

Mr. Prabir Majumder

For the Petitioners

Mr. Goutam Wilson

For the State

Apprehending arrest in connection with Hanskhali Police
Station Case No. 294 of 2021 dated 2.5.2021 under Sections
448/326/307/506/34 of the Indian Penal Code, the present
application has been preferred.

Mr. Majumder, learned advocate appearing for the
petitioners submits that the petitioners have been falsely
implicated. The allegations are omnibus in nature. No overt
act has been attributed to the petitioners. Upon completion of
investigation, charge sheet has also been submitted and as
such, custodial interrogation of the petitioners is not
warranted and they may be granted anticipatory bail.

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

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no overt act has been attributed to the petitioners. Considering the injury reports and the nature of allegations, we are of the opinion that custodial interrogation of the petitioners is not warranted, more so when upon completion of investigation charge sheet has also been submitted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Sirajul Haque Mondal, Fakir Hossain Mondal, Romjan Mondal @ Ramjan Mondal @ Toga, Jayed Iqbal Mondal, Mafejur Mondal @ Moral, Jhurul Mondal and Hasanur Mondal**, 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 they 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. 4905 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)