

03.12.2021
Court No.32
rpan / **148**

C.R.M. 4898 of 2021

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

And

In re: **Enamul Sheikh**

- Petitioner

Mrs. Sujata Das

....for the Petitioner.

Mr. Arijit Ganguly,

Mr. Sanjib Kr. Dan

....for the State.

Apprehending arrest in connection with Harishchandrapur Police Station Case No.262 of 2021 dated 02.04.2021 under Sections 447/323/376/506/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The present case is a counter blast to an earlier complaint lodged by the wife of the petitioner herein. There is no possibility that the petitioner would flee from justice. In the said conspectus, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates and considered the materials in the case diary. It appears from the records that the victim refused medical examination and also did not record her statement under Section 164 of the Code of Criminal Procedure.

Prima facie, the possibility of false implication cannot be totally

ruled out since there had been a case and counter case between the parties. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Enamul Sheikh**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 with a further direction that the petitioner shall meet with the investigating officer of the case once a week on and from 10th December, 2021 till the investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 4898 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.)