

CRM No.4880 of 2021

Via video conference

03.12.21

(S.R.)

Sl.147

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Panrui** Police Station Case No.49 of 2021 dated 05/05/2021 under Sections 341/323/324/326/34 of the Indian Penal Code;

And

In re: Sk. Abdul Alim & Anr.

... petitioners.

Mr. Abdur Rakib

... for the petitioners.

Mr. S.S. Imam

Mr. S. Roy

...for the State.

Apprehending arrest the present petitioners filed the instant anticipatory bail application.

It is submitted by the learned lawyer for the petitioners that the incident took place between two political parties and the present petitioners were not directly involved in the alleged incident. According to him, a political colour is given to whole incident deliberately to implicate the present petitioners. Therefore, he prays for anticipatory bail on any stringent condition.

Per contra, learned lawyer representing the State invited our attention to the statement of the victim recorded under Section 164, injury reports and the statements of witnesses wherefrom strong incriminating elements can be found against the present petitioners. According to the learned lawyer, charge sheet has been filed but the allegation is grave and serious for which anticipatory bail should not be granted.

We have perused the case diary and heard rival submissions. On perusal of the case diary, it appears that incriminating elements are there against the present petitioners. However, we have also noticed that investigation is complete and charge sheet is filed being Charge

Sheet no.98 of 2021 dated 31/08/2021 in connection with Panrui Police Station Case No.49 of 2021 dated 05.05.2021 under Sections 341/323/324/326/34 of the Indian Penal Code.

Since investigation is complete any custodial detention for interrogation is not necessary. Considering the nature of allegations, extent of incriminating materials and concluded stage of investigation, we are inclined to allow anticipatory bail to the petitioners, namely, **Sk. Abdul Alim** and **Mir Hasan Ali** on 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that all the petitioners shall not enter into the jurisdiction of **Panrui** Police Station until further orders.

It is further directed that the petitioners shall not intimidate the witnesses 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 their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.4880 of 2021 is, accordingly, 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.)