

07.12.2021
Court No.32
rpan / **212**

C.R.M. 5495 of 2021

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

And

In re: **Rafikul Islam @ Md. Rafiqul & Others**

- Petitioners

Mr. Musharraf Alam Sk.

....for the Petitioners.

Mr. Prasun Kumar Dutta,

Mr. Subrato Roy

....for the State.

Apprehending arrest in connection with Manikchak Police Station Case No.134 of 2020 dated 08.04.2020 under Sections 341/325/326/307/427/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that there was a dispute amongst the parties pertaining to an ancestral property and the petitioners have been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation charge sheet has also been filed and as such, custodial interrogation is not necessary.

Mr. Roy, 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 and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial

interrogation is not warranted, more so when, upon completion of investigation charge sheet has been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Rafikul Islam @ Md. Rafiqul, Safiqul Islam @ Md. Safiqul Islam, Tasnim Banu @ Taslim Bano, Mina Bibi** and **Sk. Sadikul @ Nabirul Hoque**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever. They shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5495 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.)