

16.09.2021
Serial no. 32
Dd

(Through Video Conference)

CRM 5876 of 2021

In re : An Application for anticipatory bail under Section **438** of the Code of Criminal Procedure filed on **31.08.2021** in connection with **English Bazar** Police Station Case No. **1042** of **2019** dated **14.10.2019** under Sections **143/144/ 149/ 225/ 186/ 353/332/333/436/ 506/ 120B** of the Indian Penal Code read with Sections 3 and 4 of Prevention of Damage of Public Property Act and Section 9 of Maintenance of Public Order Act (in connection with G.R. Case No. 4746). **-and-**

In the matter of : **Mojaffar Khan @ Md. Majaffar Khan &Ors.**
...Petitioners

Mr. Mritunjoy Chatterjee,
Md. G. N. Imrohi, advocates
... .. For the Petitioners
Mr Bidyut Kr. Roy,
Ms. Rita Dutta, advocates
... ..For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that there was an agitation outside the police station subsequent to a custodial death. He submits that although the petitioners were not named in the First Information Report, they were implicated in the charge sheet submitted. He contends that out of 43 accused, 17 were granted bail. He submits that since the police submitted charge sheet, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State opposes the prayer for grant of anticipatory bail.

Considering the facts and circumstances and considering that the police submitted charge sheet, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, 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 and that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date. Petitioners shall also appear before the jurisdictional court on every date fixed for hearing until further orders.

Prayer for anticipatory bail is **allowed**.

CRM 5876 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)