

10.12.2021
Item no.183
Court No.32
ss

C.R.M. 5953 of 2021

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

And

In Re : Rejaul Karim @ Sk. Reja

.... Petitioner

Mr. Salman Hasan

Mr. Steven Biswas

....for the petitioner

Mr. S.S. Imam

Ms. Sonali Bhar

..... for the State

Apprehending arrest in connection with English Bazar Police Station Case No.1041 of 2019 dated October 14, 2019 under Sections 341/506/436/304/186/332/120B of the Indian Penal Code and Section 9 of Maintenance of Public Order Act and Section 3/4 of the Prevention of Damage to Public Property Act, the present application has been preferred.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred due to the death of a person in custody who could not be shifted for proper treatment in another hospital for an obstruction caused by about 600 people. The allegations are omnibus in nature and no overt act has been attributed to the petitioner who is neither the F.I.R.-named person nor any relation of the deceased. Upon completion of investigation chargesheet has also been submitted. In view thereof, the petitioner's custodial interrogation is not warranted.

Learned Advocate appearing for the State opposes the petitioner's prayer and draws our attention to the several documents including the statements of witnesses as recorded under Sections 161 and 164 of the Code.

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 petitioner. Considering the nature of allegations and the extent of complicity of the petitioner 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 submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rejaul Karim @ Sk. Reja**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.5953 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.)