

CRM 6244 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sekh Addul Salam @ Sk Abdurs Salam
& Ors.**

..... petitioners

**Mr. Malay Bhattacharyya
Mr. Pradip Paul
Mr. Subhrajyoti Ghosh**

.....For the petitioners

Mr. Suman Saha

.....For the State

Apprehending arrest in connection with Ghatal Police Station Case No. 187 of 2021 dated 24.05.2021 under Sections 341/323/325/307/354/379/506/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that all the petitioners have been falsely implicated. Co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail. Thus, on the ground of parity, the petitioners may be granted anticipatory bail. Upon completion of investigation, charge sheet has also been submitted. He further submits that there is a subsisting enmity between the parties and a civil suit is also pending. In the said conspectus, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several

documents in the case diary including the statement of the witnesses and the injury report.

Having considered the materials in the case diary, the nature of injury and the accusations as levelled, we are of the opinion that custodial interrogation of the petitioners is not necessary more so when upon completion of investigation, charge sheet has already been submitted and as *prima facie*, the extent of complicity of the petitioners is similar to the other co-accused persons, who have been granted anticipatory bail.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sekh Addul Salam @ Sk Abdurs Salam, Sekh Mustak Ahamed @ Mustak, Sekh Habibur Rahaman, Sekh Bajlur Rahaman, Sekh Abdur Rahaman, Sk. Ziaur Rahaman @ Jiaur Rahaman and Sekh Abdul Hossain** 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, 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 petitioners shall meet with the Investigating Officer once a week on and from 29th December, 2021 till investigation is over.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend 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 6244 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.)