

23.12.2021
Item no. 535
Court No.32
Avijit Mitra

C.R.M. 6266 of 2021

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

And

In Re : Majibul Sk. & anr.

.... petitioners

Mr. Khalid Hasan

....for the petitioners

Ms. Sujata Das

..... for the State

Apprehending arrest in connection with Nabadwip Police Station Case No.245 of 2021 dated 19.06.2021 under Sections 341/326/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Hasan, learned advocate appearing for the petitioners submits that there was a free fight between the parties and due to prior enmities the petitioners have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not necessary.

Ms. Das, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury report. Answering a query of this Court, Ms. Das submits that there had been no seizure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the nature of injuries and the

extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Majibul Sk. and Sirajul Sk.**, shall be released on 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 with a further condition that the petitioners shall meet with the investigating officer of this case once a week on and from 29th December, 2021 till investigation is over.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners 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 petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 6266 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.)

