

10.12.2021
Item no.221
Court No.32
Avijit Mitra

C.R.M. 6397 of 2021

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

And

In Re : Najimul Hoque

.... petitioner

Mr. Tapan Datta Gupta,
Mr. Parvej Anam

....for the petitioner

Ms. Faria Hossain,
Ms. Baishali Basu

..... for the State

Apprehending arrest in connection with Chanchal Police Station Case No.761 of 2017 dated 11.12.2017 under Sections 448/376/511/323/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Datta Gupta, learned advocate appearing for the petitioner submits that there was a dispute between the parties, who are neighbours and the petitioner has been falsely implicated. Upon completion of investigation chargesheet has been submitted and as such, custodial interrogation is not warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code and the statement of the other witnesses as recorded under Section 161 of the Code. Answering a query of this Court she submits that the victim lady refused medical.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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 necessary, more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Najimul Hoque**, 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 a 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 petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.6397 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.)

