

**09.12.2021**  
Court No.32  
rpan / **504**

**C.R.M. 7100 of 2021**

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

And

In re: **Nasibir** Alias **Nasibul Mondal & Another**

- Petitioners

Mr. Kallol Mondal,  
Mr. Amanul Islam,  
Mr. Sourav Mukherjee,  
Ms. Amrita Chel,  
....for the Petitioners.  
Mr. Debabrata Chatterjee,  
Ms. Manasi Roy  
....for the State.

Apprehending arrest in connection with Domkal Police Station Case No. 414 of 2021 dated 15.07.2021 under Sections 302/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to them and they were also not named in the FIR. Upon completion of investigation charge sheet has been submitted and as such, their custodial interrogation is not warranted.

Ms. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code. She submits that there are strong

incriminating materials against the petitioners and as such, they are not entitled to the relief as prayed for.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, no overt act has been attributed to the petitioners herein. Considering the nature of allegations and the extent of their complicity in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, more so when, upon completion of investigation charge sheet has already been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Nasibir** Alias **Nasibul Mondal** and **Jiyabul Hoque @ Ziabul Hoque**, 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, 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 conditions that they shall not enter the jurisdiction of Domkal Police Station and shall intimate the address where they would be residing to the Officer-in-charge, Domkal Police Station.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 No. 7100 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.)**