

CRM No.7125 of 2021

Via video conference

25.11.21

(S.R.)
Sl.142
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jangipara** Police Station Case No.107 of 2021 dated 22/05/2021 under Sections 147/148/149/436/427/307/326/504/506/ of the Indian Penal Code and read with Section 3/4 of the Explosive Substance Act;

And

In re: Faridul Ahmed @ Sk Foridul Ahmed ... petitioner.

Mr. Ashok Das
Ms. Ayana Dey

... for the petitioner.

Mr. P.K. Datta
Mr. Santanu Deb Roy

...for the State.

The learned advocate appearing for the petitioner submits that there was a political rivalry between the parties. The alleged incident occurred on 22nd May, 2021 and pertaining to the same, complaints were lodged by the police as well as by the *de facto* complainant. In the case initiated on the basis of the complaint of the police, the petitioner has already been granted anticipatory bail by a Coordinate Bench of this Court on 15th November, 2021 in CRM No.7095 of 2021. Upon completion of investigation charge sheet has also been submitted in the present case and as such, custodial interrogation 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.

Having heard the learned advocates and considering the materials in the case diary, the injury report, the nature of accusation and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

It is further directed that the petitioner shall not intimidate the witnesses 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 bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7125 of 2021 is, accordingly, 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.)