

CRM No.7198 of 2021

Via video conference

23.12.21

(S.R.)
Sl.547
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No.1041 of 2019 dated 14/10/2019 under Sections 341/506/436/304/186/332/120B of the Indian Penal Code read with Sections 3/4 of prevention of Damage to Public Property Act and Section 9 of the West Bengal Maintenance of Public Order Act;

And

In re: Sk. Rajikul @ Sekh Rajikul Alam

... petitioner.

Mr. Avinaba Patra

Mr. Soham Banerjee

... for the petitioner.

Mr. Swapan Banerjee, Ld. APP

Ms. Sayanti Santra

...for the State.

Mr. Patra, learned advocate appearing for the petitioner submits that the alleged incident occurred in course of a public agitation. No overt act has been attributed to the petitioner and he has been falsely implicated. Co-accused persons, similarly situated with the petitioner, have been granted anticipatory bail by Coordinate Benches of this Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Banerjee, learned advocate appearing for the State submits that there are strong incriminating materials on record against the petitioner and considering the seriousness of the offence and his conduct, his application needs to be rejected.

We have heard the learned advocates and considered the materials in the case diary.

Prima facie, no overt act has been attributed to the petitioner and co-accused persons, similarly situated with the petitioner, have been granted anticipatory bail by Coordinate Benches of this Court. Although, charge sheet has been filed he has not been shown as an absconder in the same but he has been shown as “not arrested”. In the

said conspectus and on the ground of parity, we are of the opinion that custodial interrogation is not necessary, more so when upon completion of investigation charge sheet has also been submitted.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7198 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.)