

22.12.2021
Item no. 215
Court No.32
Avijit Mitra

C.R.M. 7473 of 2021

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

And

In Re : Karimul Islam @ Karimul Hossain

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. P.K. Dutta,

Mr. Nirupam Dhali

..... for the State

Apprehending arrest in connection with Gazole Police Station Case No.264 of 2021 dated 27.03.2021 under Sections 448/324/326/308/34/509 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the parties are co-sharers and the petitioner has been falsely implicated in view of the subsisting enmity pertaining to an immovable property. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted.

Mr. Dhali, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the several documents in the case diary including the statement of the witnesses as recorded under Section 161 of the Code and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been no seizure and that there was a previous enmity between the parties. Considering the nature of accusations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Karimul Islam @ Karimul Hossain**, 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 meet with the Officer-in-Charge, Gazole Police Station once a fortnight until further orders.

The petitioner shall attend the learned Trial Court on all the dates as fixed 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 bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7473 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.)