

CRM 7485 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sk. Nijam & Ors.**

..... petitioners

Mr. Firdous Samim
Ms. Gopa Biswas

.....For the petitioners

Mr. P. K. Datta, Ld. APP
Mr. Santanu Deb Roy

.....For the State

Apprehending arrest in connection with Jangipara Police Station Case No. 107 of 2021 dated 22.05.2021 under Sections 147/148/149/436/307/326/504/506 of the Indian Penal Code and Sections 3/4 of the E.S.Ac, the present application has been preferred.

Learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the alleged incident since there was a political rivalry between the parties. Co-accused persons, similarly situated, have already been granted anticipatory bail by this Court and as such, on the ground of parity, the petitioners may be granted anticipatory bail.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the several documents in the case diary including the injury report. Upon cumulative assessment of the materials on record, *prima*

facie, the petitioners' complicity appears to be similar to the other co-accused persons who have already been granted anticipatory bail.

Considering the nature of accusation, injury report and the extent of their complicity in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted more so when upon completion of investigation, charge sheet has also been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sk. Nijam, Julfikar Mallick, Najibul Mallick, Sadanur, Sk. Moinuddin @ Budo, Jahil Ahamed, Sk. Firoj, Sk. Afsar** and **Akhtar Mallick** 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, 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 condition that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 7485 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.)