

CRM 7568 of 2021
(via video conference)

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

In the matter of : **Mahtabuddin & Ors.**

..... petitioners

Ms. Minoti Gomes

.....For the petitioners

Mr. S. S. Imam
Mr. Arabinda Manna

.....For the State

Apprehending arrest in connection with Karandighi Police Station Case No. 501/ 2021 dated 18.10.2021 under Sections 341/323/325/307/506/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated since the petitioner no. 2 herein lodged a complaint against Md. Mir Selim, the victim in the present case and one Abu Sama stating that they are engaged in an illegal minority money scheme. As a counter-blast to such complaint, the present complaint has been lodged by the de facto complainant. The allegations are omnibus in nature and in the said conspectus, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several

documents in the case diary including the statements of the witnesses and the injury report.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injury, the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not warranted more so when, *prima facie*, there is no likelihood that the petitioners would flee from justice or would delay the trial by abscondence..

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Mahtabuddin, Sentu Biswas, Manirul @ Manirul Islam, Barkat Ali, Iruddin Ali @ Aibuddin Ali, Asikul Mustafa, Humayan Kabir, Manoj Basak, Jhantu Basak** and **Rejaul @ Karim** 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 cooperate with the investigation and meet with the Investigating Officer as and when called for and with further condition that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

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 7568 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.)