

24.12.2021
Court No.32
Item No. 07
Avijit Mitra

C.R.M. 7675 of 2021

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

And

In Re : Ajahar Ali & ors.

.... petitioners

Ms. Minoti Gomes,
Mr. Tanmoy Khan

...for the petitioners

Mr. Saibal Bapuli,
Mr. Soumik Ganguli

...for the State

Apprehending arrest in connection with Raiganj Police Station Case No.137 of 2021 dated 06.03.2021 under Sections 392/395/397/412 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 in view of previous enmity. One Mohosin Ali, one of the accused persons in the present case, lodged a complaint on 6th October, 2020 against the husband of the *de facto* complainant and as a counter-blast, the present complaint was lodged. The allegations are omnibus in nature. She further submits that the ingredients of Sections 392/395/397 of the Indian Penal Code are not attracted. As such, custodial interrogation is not necessary.

Mr. Ganguli, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses.

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

Prima facie, the possibility of false implication of the petitioners due to previous enmity cannot be totally ruled out. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ajahar Ali, Tabjul Hoque @ Tafjuna Hoque and Anamul Hoque @ Anadul Haque**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners shall not enter the jurisdiction of Raiganj Police Station until further orders save and except for meeting with the investigating officer of the case as and when called for and for attending the learned Trial Court on all the dates as specified for hearing. The petitioners shall also intimate the address where they would be residing to the Investigating Officer immediately.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.7675 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)