

(Through Video Conference)

CRM 8808 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.12.2021 in connection with Hemtabad Police Station Case No. 204 of 2021 dated 27.08.2021 under Sections 341/323/325/326/354/307/34 of the Indian Penal Code.

-And-

In the matter of : **Samir Haque @ Hoque & Ors.**

... ..Petitioners

Ms. Bushra Khatoon, Advocate

... .. For the Petitioners

Mr. Avik Ghatak, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the injured recorded a statement under Section 164 of the Code of Criminal Procedure where the injured named all the petitioners except petitioner no. 5 (Taiyab Abdul @ Abdul Taiyab @ Abdul Toab).

Considering the gravity of the offence and the complicity of the petitioner no. 5 (Taiyab Abdul @ Abdul Taiyab @ Abdul Toab) therein, we are inclined to grant anticipatory bail to him.

So far as the other petitioners are concerned, we are not inclined to grant anticipatory bail to them in view that they being named in the statement recorded under Section 164 of the Code of Criminal Procedure.

Accordingly, we direct that in the event of arrest, the petitioner no.5 (Taiyab Abdul @ Abdul Taiyab @ Abdul Toab) 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 and on further condition that the petitioner no. 5 (Taiyab Abdul @ Abdul Taiyab @ Abdul Toab) shall meet the Investigating Officer once in a month till the conclusion of the investigation and on further condition that petitioner no. 5 (Taiyab Abdul @ Abdul Taiyab @ Abdul Toab) shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM 8808 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)