

07.07.21

(S.R.)

Sl.24

Ct.30

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Gangarampur** Police Station Case **No.421** of **2020** dated **01/12/2020** under Sections **448/325/326/307/379/506/34** of the Indian Penal Code (G.R. Case **No.900 of 2020**);

And

In re: Íntaj Alam @ Emtiyaz Ali & Ors.

... petitioners.

Mr. Sarthak Burman

... for the petitioners.

Mr. Saibal Bapuli, APP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Mr. Burman, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to political rivalry. The principal accused person has already been granted bail by the learned court below. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer and submits that there are incriminating materials on record against the petitioners. However, he does not dispute the fact that upon completion of investigation charge sheet has been submitted.

Records reveal that by an earlier order dated 17th December, 2020 it was, *inter alia*, directed that the petitioners shall not be arrested in connection with this case till three weeks after the ensuing Christmas vacation or until further orders, whichever is earlier.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the extent of involvement of the petitioners in the alleged offence and since upon

completion of investigation charge sheet has been filed, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Intaj Alam @ Emtiyaz Ali, 2. Mahabur Miah, 3. Manan Mia @ Abdul Manan Mia, 4. Rabial Mia and 5. Chaped Mia @ Shafet Miyna** 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, 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 meet with the investigating officer once in a week on and from 12th July, 2021 until further orders.

It is further directed that the petitioners shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses 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 CRM No.10449 of 2020 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

