

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

28.09.2021

Court No.01
rpan /04

C.R.M. 58 of 2021

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

And

In Re : **Samim Rahaman** *alias* **Illias Hoque**
- Petitioner.

Mr. Arnab Sengupta (through V.C.),
Mr. Deborshi Dhar
... for the petitioner.

Mr. Arun Kumar Sarkar,
Mr. Sagnik Sankar Sikdar
... for the State.

Apprehending arrest in connection with Dinhata Police Station
Case No.365 of 2020 dated 21.09.2020 under Sections
143/448/323/325/307/427/382/506 of the Indian Penal Code read
with Sections 25/27/35 of the Arms Act, the petitioner has preferred
the present application.

Mr. Sengupta, learned advocate appearing for the petitioner
submits that there was a family dispute between the parties and the
petitioner has been falsely implicated. The other co-accused persons,
similarly situated with the petitioner, had already been granted
anticipatory bail by a co-ordinate Bench of this Court on 11th
December, 2020 in CRM 10219 of 2020. In the said conspectus,
custodial interrogation of the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes
the petitioner's prayer and draws our attention to the seizure list and
the statements of the witnesses, as recorded under Section 164 of the
Code. He further submits that investigation is still continuing.

Records reveal that co-accused persons, *prima facie*, similarly situated with the petitioner, had already been granted anticipatory bail by an order dated 11th December, 2020. In view thereof, and considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner **Samim Rahaman alias Illias Hoque** shall be released on bail upon furnishing a bond of Rs.10,000/- 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 he shall meet with the investigating officer once in a week on and from 4th October, 2021 until further orders.

The application for anticipatory bail, being CRM 58 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.

(Abhijit Gangopadhyay, J.)

(Tapabrata Chakraborty, J.)