

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

21.09.2021

Court No.01
rpan /40

C.R.M. 295 of 2021

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

And

In Re : **Sahida Begam & 3 Others**

- Petitioners.

Mr. Kallol Ghosh

... for the petitioners.

Mr. Arun Kumar Sarkar,

Mr. Sourav Ganguly,

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Kotwali Police Station
Case No.41 of 2021 dated 27.01.2021 under Sections
448/325/307/379/506/34 of the Indian Penal Code, 1860, the
petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that
amongst the parties there is a case and counter-case. The petitioner
no.1 herein was assaulted and she had to be hospitalized, as would be
explicit from the medical documents as annexed to the application.
The allegations levelled against the petitioners are absolutely
unfounded and in the said conspectus, custodial interrogation of the
petitioners is not warranted in the facts and circumstances of the case.

The learned advocate appearing for the State opposes the
petitioners' prayer and draws our attention to the statements of the
witnesses, as recorded under Section 164 of the Code and the medical
reports.

It appears that there was a case and counter-case amongst the parties. The petitioner no.1 herein was also injured and she had to be hospitalized. In the statements of the witnesses, as recorded under Section 164 of the Code, no overt act has been attributed to the petitioners.

Considering the nature of accusations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Sahida Begam, 2. Sabir Husain, 3. Emran Husain** and **4. Ruman Husain** 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.

The petitioners shall cooperate with investigation and shall meet with the Investigating Officer as and when called for.

With the above observations, the application for anticipatory bail, being CRM 295 of 2021 is allowed.

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.)