

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

28.09.2021
Court No.01
Item No.14
Avijit Mitra

**CRM 438 of 2021 (through video conference)
with
CRAN 1 of 2021**

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

And

In Re: Abu Taher & ors.

...Petitioners

Mr. Arijit Ghosh

..For the Petitioners

Mr. Sourav Ganguly,
Mr. Biswarup Roy

...For the State

Apprehending arrest in connection with Banarhat Police
Station Case No. 162 of 2020 dated 17.08.2020 under sections
379/186/332/353/427 and 506 of the Indian Penal Code read with
Section 3 of the Prevention of Damage to Public Property Act, 1984,
the present application has been preferred.

Mr. Ghosh, learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated. All the
sections save and except Sections 379/353 are bailable. No notice
under Section 41A has been served upon the petitioners and there
is also no likelihood that the petitioners would flee from justice. In
view thereof, custodial interrogation of the petitioners is not
necessary.

Mr. Ganguly, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to the
injury reports and other documents in the case diary. He further
submits that investigation has not yet been completed.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary, which includes injury report. Considering the nature of accusations and the injury report, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case and as such, prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Abu Taher, Khan Saheb, Hatem Tai, Sultan Hossain, Hasinur Alam, Asraf Miya @ Asraf Ali, Moksdu Hoque @ Mosidul @ Moksdu Hoque, Bulu Hossain, Abdul Kader, Ayub Ali, Alauddin, Abdul Jalil and Uzir Ali** shall be released on anticipatory 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 with further condition that the petitioners shall not leave the jurisdiction of Banarhat Police Station and shall meet the investigating officer once a week on and from 4th October, 2021 until further orders.

The application for anticipatory bail, being CRM 438 of 2021 and connected application being CRAN 1 of 2021 are 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.)

