

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

22.09.2021

Court No.01
rpan /44

C.R.M. 449 of 2021

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

And

In Re : **Jahir Alam & 3 Others**

- Petitioners.

Mr. Jaydeep Kanta Bhowmik,

Ms. Ankita Patodia

... for the petitioners.

Mr. Saikat Chatterjee.

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Rajganj Police Station
Case No.367 of 2019 dated 08.11.2019.2019 under Sections
143/341/186/332/333/353/307 of the Indian Penal Code, 1860 read
with Section 3 of the PDPP Act, the petitioners have filed the present
application.

Mr. Bhowmik, learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated in the alleged
incident. No overt act has been attributed to the petitioners. Some of
the co-accused persons have already been granted anticipatory 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.

The learned advocate appearing for the State opposes the
petitioners' prayer and draws our attention to the seizure list, the
statements of the witnesses, as recorded under Section 161 of the
Code and the injury reports.

Prima facie, we find that the allegations are omnibus in nature. Considering the nature of accusations, the medical reports and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when upon completion of investigation, charge sheet has been submitted. However, the petitioners' movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Jahir Alam, 2. Saddam Md. @ Saddam Haque, 3. Abu Taher @ Taher Ali** and **4. Amrul Md. @ Haque** 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 and on further conditions that they shall not enter the jurisdiction of Rajganj Police Station, save and except for meeting with the Inspector-in-charge, Rajganj Police Station once in a week on and from 29th September, 2021 until further orders and they shall also immediately intimate the address where they would be residing to the said Inspector-in-charge..

It is made clear that that the petitioners shall attend the trial court on all the dates, as specified for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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.

With the aforesaid observations, the application for anticipatory bail, being CRM 449 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.)