

28.09.2021
Court No.01
Item No. 24
rpan

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

C.R.M. 525 of 2021

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

And

In Re : **Minhajul Islam @ Minal**

Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Nilay Chakraborty,

Mr. Sagnik Sankar Sikdar

For the State

Apprehending arrest in connection with Dinhata Police Station Case No. 49 of 2021 dated 04.02.2021 under Sections 411/413 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation, charge-sheet has also been submitted and in view thereof, custodial interrogation of the petitioner is not warranted, more so when, the

petitioner's name transpired on the basis of a statement of a co-accused person. He further submits that the principal accused namely Alom Miya has already been granted bail. The concerned motor bike had also been seized.

Mr. Chakraborty, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents including the statement of the principal accused, as recorded under section 161 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that the custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Minhajul Islam @ Minal**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being C.R.M. No. 525 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)