

23.09.2021
Court No.01
Item No. 20
Partly Allowed
Krishnendu

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

**C.R.M. 557 of 2021
(Via Video Conference)**

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

And

In Re : **Ajgar Hossain @ Akram Miah & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Abhijit Sarkar

Ms. Namrata Das

For the State

Apprehending arrest in connection with Sahebganj Police Station
Case No. 578 of 2020 dated 27.12.2020 under sections 341/ 325/ 326/
307/ 427/506/34 of the Indian Penal Code, the petitioners have filed
the present application.

On the prayer of Mr. Guha, learned advocate appearing for the
petitioners, the present application, so far as the petitioner no. 4,
namely, **Bellal Hosain** , is concerned, is **dismissed** as '**not pressed**'.

He submits that the petitioner nos. 1, 2 and 3 have been falsely implicated due to an existing political rivalry between the parties. No overt act has been attributed to them. The allegations are omnibus in nature and in view thereof, custodial interrogation of the petitioner nos. 1, 2 and 3 is not necessary.

Mr. Sarkar, learned advocate appearing for the State, opposes the prayer of the petitioner nos. 1, 2 and 3 and draws our attention to several documents in the case diary, including the medical reports.

We have perused the medical reports and the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

Considering the nature of accusations and the existing political rivalry, *prima facie*, false implication of the petitioner nos. 1, 2 and 3 cannot be totally ruled out. In view thereof, we are of the opinion that custodial interrogation of the petitioner nos. 1, 2 and 3 is not warranted in the facts and circumstances of the case. However, the movement of the petitioner nos. 1, 2 and 3 needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1, 2 and 3, namely, **Ajgar Hossain @ Akram Miah, Alimul Hoque @ Rintu Miah and Auwal Hussain @ Auyal Hussain**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner nos. 1, 2 and 3 shall not enter the jurisdiction of Sahebganj Police Station, save and except for meeting with the Investigating Officer of the case once a case on and from 29th September, 2021 until further orders. The petitioner nos. 1, 2 and 3 shall also intimate the address, where they would be residing, to the Investigating Officer immediately.

The application for anticipatory bail, being C.R.M. No. 557 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)

