

23.06.2021

Court No.28
Item No.02
(ALLOWED)

akd
&
ab

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

(Via Video Conference)

CRM 644 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No. 106 of 2021, dated 27.04.2021 under Sections 341/323/325/417/376(2)N/109/34 of the Indian Penal Code;

And

In the matter of : **Ahidul Rahaman & Ors.**

...Petitioners

Ms. Madhushri Dutta.

...For the Petitioners

**Mr. Ujjwal Luksom,
Mr. Biswarup Roy.**

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Mekhliganj Police Station Case No. 106 of 2021 under Sections 341/323/325/417/376(2)N/109/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that the petitioners have been falsely implicated in connection with the instant case simply because they are related with the principal accused, Anwar Hossain. It is further submitted that the allegation of physical assault on the de facto complainant could not be established against them and, in fact, the members of the de facto complainant are set ablaze the house of the petitioners and also inflicted physical assault on them.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the entire allegation hovers

around the principal accused, i.e. Anwar Hossain and the allegation against the petitioners pertains to physical assault on the de facto complainant. He relies upon the medical report annexed to the case diary.

After hearing the respective Counsels and on perusal of the materials available on record, it appears that the allegation is centering around the principal accused, i.e. Anwar Hossain and the allegation against the petitioners appears to be restricted to a physical assault. After perusing the medical report, we do not find the injury to be grievous in nature as opined by the attending Doctor. Therefore, we do not find any justification in the custodial interrogation of the petitioners.

Accordingly, in the event of arrest the petitioners 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 of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners except petitioner nos. 6, 7, 8, 9 and 10 shall meet the Investigating Officer once in a week until further order and all the petitioners shall make themselves available with the Investigating Officer as and when required for the purpose of investigation and shall not leave the jurisdiction of the concerned police station without obtaining prior leave from the concerned Court.

The application for anticipatory bail being CRM 644 of 2021 is thus **allowed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

