

23.09.2021
Court No.01
Item No. 36
Allowed
Krishnendu

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

**C.R.M. 762 of 2021
(Via Video Conference)**

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

And

In Re : **Nabikarim Miah @ Miya**

Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Abhijit Sarkar

Mr. Biswarup Roy

For the State

Apprehending arrest in connection with Dinhata Police Station
Case No. 01 of 2021 dated 02.01.2021 under sections
447/427/325/326/307/34 of the Indian Penal Code read with sections
25(1A)/27 of the Arms Act , the petitioner has filed the present
application.

Mr. Guha, learned advocate appearing for the petitioner, submits
that there was a dispute between the two groups of the same political

party in which the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Co-accused persons, similarly situated, have already been enlarged on bail. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure. .

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner namely, **Nabikarim Miah @ Miya**, 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 with a further condition that the petitioner shall not enter the jurisdiction of Dinhata Police Station, save and except for meeting with the Investigating Officer of the case once a week on and from 29th September, 2021 until further orders. The petitioner shall also intimate the address, where he would be residing, to the Investigating Officer immediately.

The application for anticipatory bail, being C.R.M. No. 762 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)