

24.12.2021
SL No.4
Court No.1
(PJ/SK)
Allowed

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 889 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No. 205 of 2020 dated 21.05.2020 under Sections 341/365/325/326/307/34 of the Indian Penal Code, 1860 and subsequently added Section 302 of the Indian Penal Code (G.R. Case No. (1)224 of 2020).

And

In the matter of : **Echa Haque Ali @ Hoque**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Ujjwal Luksom,

Mr. Biswarup Roy

... For the State.

The petitioner is the father of the principal accused Bapan Ali.

The learned counsel for the petitioner submits that the principal accused has been granted bail by the learned Trial Court and the petitioner is innocent and has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Considering the materials available in the Case Diary and the nature and extent of involvement of the petitioner in the

commission of the alleged offence and as it appears in the Case Diary that the independent witnesses did not make any specific allegation against the petitioner, we feel that custodial interrogation of the petitioner is not necessary.

Under such circumstances, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Echa Haque Ali @ Hoque**, 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 on condition that the petitioner shall meet the I.O. once a week and on further condition that the petitioner shall not enter within the jurisdiction of Sahebganj Police Station, except for the purpose of meeting the investigating officer and also attending the Court proceedings and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Court of the Learned Trial Judge. We make it clear that the Learned Judge while deciding the application for grant of regular bail shall take a decision independent with the observations made by us in this order.

The application for anticipatory bail, being CRM No. 889 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)