

24.12.2021
SL No.3
Court No.1
(PJ/SK)
Allowed

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

**CRM 851 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 : **Saidul Islam @ Saidul Hoque & Anr.**

- Petitioners.

Mr. Sudip Guha

... For the Petitioners.

Mr. Abhijit Sarkar,

Mr. Biswarup Roy

... For the State.

The petitioner no. 1 is the brother-in-law and the petitioner no. 2 is the sister of principal accused Bapan Ali.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statement of one of the witnesses recorded under Section 161 CrPC.

Considering the materials available in the Case Diary and the nature and extent of complicity of the petitioners in the

commission of the alleged offence and considering the fact that Bapan Ali, one of the co-accused person is already on bail, we feel that custodial interrogation of the petitioners may not be necessary.

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

Accordingly, we direct that in the event of arrest the petitioners, **Saidul Islam @ Saidul Hoque and Reshma Bibi @ Reshma Parvin**, 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 on condition that the petitioner no. 1 shall meet the I.O. once a week and the petitioner no. 2 shall cooperate with the investigation and on further condition that they 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 petitioners 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. 851 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.)