

27.09.2021
Court No.01
Item No. 44
Allowed
Krishnendu

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

**C.R.M. 961 of 2021
(Via Video Conference)**

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

And

In Re : **Saidul Hossain @ Hassain & Anr.**

Petitioners

Mr. Hillol Saha Podder

For the Petitioners

Mr. Abhijit Sarkar

Mr. Biswarup Roy

For the State

Apprehending arrest in connection with Cooch Behar Kotwali Police Station Case No. 541 of 2021 dated 02.06.2021 under sections 448/323/325/354/379/427/436/506/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Saha Podder, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. There had been a prior dispute between the parties. No overt act has been

attributed to the petitioners. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to 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 petitioners in the offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case, more so when, upon completion of investigation, charge sheet has already been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, **Saidul Hossain @ Hassain and Sahanur Hossain**, 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.

The application for anticipatory bail, being C.R.M. No. 961 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)