

28.01.2022

Court No.32
rpan/30

C.R.M. (A) 26 of 2022

[Through Video Conferencing]

In Re:- An application for **anticipatory bail under section 438** of the Code of Criminal Procedure filed in connection with Pandua Police Station Case No.508 of 2021 dated 01.12.2021 under Sections 323/325/354(B)/506/34 of the Indian Penal Code, 1860;

And

In re: **Md. Sariful Islam**

- Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
... for the Petitioner.
Mr. Saryati Datta,
Mr. Sanjib Kumar Dan
... for the State.

Mr. Karmakar, learned advocate appearing for the petitioner submits that there was a dispute amongst the parties as regards non-payment of an amount and in view thereof the petitioner has been falsely implicated. The complaint has been lodged about 35 days after the alleged incident. Such delay has also not been appropriately explained. The allegations are omnibus in nature and in the said conspectus, custodial interrogation may not be necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the injury report and the statements of the witnesses.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioner in the alleged offence and

the manner in which the offence has taken place, we are of the opinion that his custodial interrogation is not warranted. In view thereof, his prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner namely, **Md. Sariful Islam** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 26 of 2022 is, thus disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)