

CRM(A) No.209 of 2022

Via video conference

15.02.22

(S.R.)

Sl.09

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Sagardighi** Police Station Case No.397 of 2021 dated 16/10/2021 under Sections 325/326/307/34 of the Indian Penal Code;

And

In re: Mirza Kamrujjaman @ Mirza Kamruzzaman & Ors.

... petitioners.

Mr. Debapriya Samanta

... for the petitioners.

Mr. Prasum Kr. Datta

Mr. Nirupam Dhali

... for the State.

Mr. Samanta, learned advocate appearing for the petitioners submits that there was a dispute amongst the family members and the petitioners have been falsely implicated. The petitioner nos.1 and 2 were injured in the alleged incident and were hospitalized. In support of his contention, he has drawn our attention to the discharge certificate annexed to the application. He further submits that the allegations are *omnibus* in nature and upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Datta, learned advocate appearing for the State, however, opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the injury report. He further submits that there are strong incriminating materials on record and as such, the petitioners are not entitled to the relief, as prayed for.

Having heard the learned advocates and considering the nature of accusations, the injury report and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when upon

completion of investigation charge sheet has been submitted. However, the movement of the petitioner nos.1 and 2 needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Mirza Kamrujjaman @ Mirza Kamruzzaman, 2. Mirza Ohidujjaman @ Mirza Ohidurzzaman, 3. Habibul Khan @ Chattu Sk. and 4. Sahil Sk.** will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners nos.1 and 2 shall not enter the jurisdiction of Sagardighi Police Station save and except for meeting with the officer-in-charge of the said Police Station once a fortnight until further orders..

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

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.209 of 2022 is, accordingly, 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.)

