

15.02.2022
Item no. 16
Court No.32
Avijit Mitra

C.R.M.(A) 227 of 2022 (Thorough Video Conference)

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

And

In Re : Halim Sk. & anr.

.... petitioners

Mr. Sourav Mukherjee

....for the petitioners

Mr. Debabrata Chatterjee,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Nakashipara Police Station Case No.438 of 2021 dated 29.08.2021 under Sections 447/325/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to previous enmity. No specific overt act has been attributed to the petitioners and in the said conspectus, custodial interrogation may not be necessary more so when, pertaining to the same incident a complaint was lodged by the mother of the petitioner no.2 as the petitioners herein also suffered injuries.

Ms. Sahu, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injury, the nature of accusations 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 chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Halim Sk and Hasibuddin Sk @ Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 227 of 2022 is 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.)

