

CRM(A) No.267 of 2022

Via video conference

22.02.22

(S.R.)

Sl.17

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Mathurapur** Police Station Case No.15 dated 15/01/2021 under Sections 364A/379/323/506/34 of the Indian Penal Code;

And

In re: Jahangir Khamaru

... petitioner.

Mr. Satadru Lahiri

... for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Mr. Lahiri, learned lawyer appearing for the petitioner submitted that the petitioner is no way involved in the alleged offence. He is falsely implicated and his name appears only in the statements of the co-accused persons, which has no evidentiary value. He is neither named in the FIR nor any recovery is made from him. Since, charge sheet has been filed, custodial interrogation is redundant. Accordingly, he prays for anticipatory bail on any stringent condition.

Per contra, Mr. Nandy, learned lawyer appearing for the State submitted that investigation is complete. The present petitioner has been absconding and the allegations are very grave and serious in nature. One of the co-accused Imran Mir named the present petitioner as involved in the alleged offence. Therefore, according to him, incriminating materials are there against the present petitioner. On these grounds, he strongly opposed the anticipatory bail application.

We have heard rival submissions and perused the case diary. We have observed that the present petitioner is not FIR named. The name of the present petitioner comes out from the statement of one of the co-accused Imran Mir, recorded under Section 161 of Cr.P.C. Although the case diary contains statements of other co-accused, none

of them except the aforesaid Imran Mir implicates the present petitioner. Considering the nature of allegations and extent of complicity of the present petitioner and further considering the fact that investigation is complete, we are inclined to allow anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.20,000/- 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 the petitioner shall not leave the jurisdiction of Raidighi Police Station without permission of the Inspector-in-Charge of the said Police Station until further order and shall also attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence 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 would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.267 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.)

