

CRM(A) No.305 of 2022

Via video conference

15.02.22

(S.R.)

Sl.58

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Khargram** Police Station Case No.341 of 2021 dated 11/10/2021 under Sections 447/325/326/307/34 of the Indian Penal Code (G.R. Case No.1761 of 2021);

And

In re: Alim Sk. & Anr.

... petitioners.

Ms. Minoti Gomes

... for the petitioners.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Ms. Gomes, learned advocate appearing for the petitioners submits that both the petitioners are aged persons and they have been falsely implicated in a dispute pertaining to land property. In view of the petitioners' age, there is no possibility that they would flee from justice. Pertaining to the same incident a complaint was also lodged on behalf of the petitioners herein. In the said conspectus, custodial interrogation may not be necessary and they may be granted anticipatory bail.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the injury reports.

Having heard the learned advocates 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 the petitioners are aged persons and, *prima facie*, there is no possibility that they would flee from the justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Alim Sk.** and **2. Dalim 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 shall not enter the jurisdiction of Khargram Police Station save and except for meeting with the investigating officer of the case once in a week till investigation is complete and shall intimate the address where they would be residing to the investigating officer immediately.

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

The application for bail being CRM(A) No.305 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.)