

CRM (A) 326 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Tabjul @ Tabjul Hoque**

..... petitioner

Ms. Minoti Gomes
Mr. Imdadul Hoque

.....For the petitioner

Mr. Sandip Chakrabarty

.....For the State

Apprehending arrest in connection with Harishchandra Pur Police Station Case No. 668/2021 dated 08.09.2021 under Sections 448/376/511 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated since he intervened in a civil dispute between two cousin sisters regarding boundary of a property. The petitioner is their neighbour. The allegation levelled is unfounded and in the said conspectus, custodial interrogation may not be necessary.

Mr. Chakrabarty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code as well as the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are inconsistencies between the statement of the victim lady, as recorded under Section 161 and under Section 164 of the Code. The injury report does not corroborate the statements of the victim lady, as recorded under Section 164 of the Code.

Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Tabjul @ Tabjul Hoque** 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 further condition that the petitioner shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below 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) 326 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.)