

24.02.2022
Item no. 13
Court No.32
Avijit Mitra

C.R.M.(A) 328 of 2022

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

And

In Re : Jamsed Miya @ Abu Jamsed Miya & ors.

.... petitioners

Ms. Minoti Gomes

...for the petitioners

Mr. N.P. Agarwala,
Mr. Pratick Bose

....for the State

Apprehending arrest in connection with Ratua Police Station Case No.324 of 2021 dated 03.07.2021 under Sections 376/511/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in view of previous enmity. No specific overt act has been attributed to the petitioners and the entire family has been roped in. In the said conspectus, custodial interrogation may not be necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim lady as recorded under Sections 161 and 164 of the Code and the medical report. Answering our query he submits that there is no seizure list in the case diary.

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

medical report and the possible extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Jamsed Miya @ Abu Jamsed Miya, Amrul Miya, Altab Miya @ Altaf Miya, Mostafa Miya, Anamul Miya @ Emanul Miya and Chotu Miya**, 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 with a further condition that the petitioners shall meet with the Investigating Officer once a week till investigation is complete.

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.

Accordingly, the application for anticipatory bail being C.R.M.(A)328 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.)

