

01.03.2022

Court No.32
rpan / **11**

C.R.M.(A) 375 of 2022

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

And

In re: **Tofajul Mia @ Tafajul Mia & 2 Others**

- Petitioners.

Mr. Aniruddha Bhattacharya
... for the Petitioners.

Mr. Tapandeb Nandy,
Mr. Sandip Chakraborty,
Mr. Antarikhya Basu
... for the State.

Apprehending arrest in connection with Tapan Police Station Case no.435 of 2021 dated 12.11.2021 under Sections 379/411/414 of the Indian Penal Code read with Section 11(1) (d)(e)(f) of the Prevention of Cruelty to Animals Act and Sections 47(a)/51/52/56 of the Transport of Animals Rule, 1978 (as amended upto date), the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations are omnibus in nature. The petitioners are willing to extend all cooperation in the investigation and in the said conspectus, custodial interrogation may not be necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the seizure list.

Having heard the learned advocates and considering the materials in the case diary, 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.

Accordingly, we allow the prayer for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Tofajul Mia @ Tafajul Mia, Jahangir Miah @ Jahangir Mia** and **Giasuddin Ahammed @ Giasuddin Ahammed @ Haji Saheb** 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, 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 they shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 375 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.)