

CRM (A) 419 of 2022
(via video conference)

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

In the matter of : **Adil Sk & Ors.**

..... petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

.....For the petitioners

Mr. Iqbal Kabir

.....For the State

Apprehending arrest in connection with Baishnabnagar Police Station Case No. 499 of 2021 dated 24.09.2021 under Sections 325/307/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioners submits that there was a hot altercation between the parties over an issue of repair of the road and in the said dispute, the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Kabir, 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 appearing for the respective parties and considering the materials in the case

diary including the injury reports, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Adil Sk, Sentu Sk @ Santu Sk., Nattu Sk @ Amjad Sk, Jitu Sk @ Bhatu Sk, Hossain Sk, Rinku Sk, Jallu sk @ Suraj Sk, Saifuddin Sk** and **Anekul Sk @ Khalakul Sk** shall 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.

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

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) 419 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.)