

**01.03. 2022**

Court No.32  
rpan / **44**

**CRM (A) 444 of 2022**

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

And

In Re.: **Mobarak Miya @ Mobarak Ali & Others**

- Petitioners

Mr. Bitasok Banerjee  
... for the Petitioners.

Mr. Arijit Ganguly,  
Ms. Sreeparna Das  
... for the State.

Apprehending arrest in connection with Gangarampur Police Station Case No.340 of 2016 dated 27.06.2021 under Sections 143/323/326/307/379/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the allegations levelled are omnibus in nature. Similarly situated co-accused persons have been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial detention of the petitioners may not be necessary.

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

Heard the learned advocates appearing for the respective parties. *Prima facie*, the allegations appear to be omnibus in nature. Upon assessing the materials on record, it, *prima facie*,

appears that the role assigned to the petitioners herein is similar to the co-accused persons, who have already been granted anticipatory bail by a coordinate Bench of this Court. In view thereof and considering 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 detention is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely **Mobarak Miya @ Mobarak Ali, Saifur Rahaman, Najrul Islam** and **Abdul Ajij Mia** 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.

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 their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 444 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.)**