

CRM (A) 494 of 2022
(via video conference)

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

In the matter of : **Sariful Islam @ Mondal & Ors.**
..... petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

.....**For the petitioners**

Mr. Narayan Prasad Agarwala
Ms. Subhasree Patel

.....**For the State**

Apprehending arrest in connection with Gangarampur Police Station Case No. 386 of 2021 dated 23.09.2021 under Sections 448/323/307/427/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chaudhury, learned advocate appearing for the petitioners submits that no specific overt act has been attributed to the petitioners and they have been falsely implicated. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code.

Heard the learned advocates appearing for the respective parties.

We do not find any injury report in the case diary. No specific overt act has also been attributed to the petitioners.

Considering the nature of accusations, the nature of injury 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, **Sariful Islam @ Mondal, Motaleb Mandal, Bapi Mondal, Umar Mandal @ Ummr Faruk Mandal, Abdul Ahed Ali @ Abdul Wahad, Majdur Mia, Tofajjal Hossain @ Tafajjal Ali and Taimur Miya @ Taimur Ali Miya** 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) 494 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.)