

CRM(A) No.542 of 2022

Via video conference

10.03.22

(S.R.)

Sl.156

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No.1248 of 2021 dated 22/09/2021 under Sections 363/365/509/120B of the Indian Penal Code (G.R. Case No.317 of 2021);

And

In re: Arjaul Haque and Anr.

... petitioners.

Mr. Mrityunjay Chatterjee

Mr. Kaushik Dey

... for the petitioners.

Mr. Sandip Chakraborty

...for the State.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the statements of the witnesses, as recorded under Sections 161 and 164 of the Code.

Upon assessment of the materials on record, it, *prima facie*, appears that the role assigned to the petitioners is similar to that of one Minarul Hossain, who has already been granted anticipatory bail by a Coordinate Bench of this Court. Considering the nature of accusations and on the ground of parity, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Arjaul Haque** and **2. Kalimuddin Ali** will 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 with a further condition that the petitioners shall meet with the Investigating Officer of the case once in a month till investigation is complete and shall attend the Learned Court below on all the dates, as specified for

hearing.

It is further directed that the petitioners shall not intimidate the witnesses 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 their anticipatory bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.542 of 2022 is, accordingly, 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.)