

15.03.2022
Item no. 39
Court No.32
Avijit Mitra

C.R.M.(A) 731 of 2022

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

And

In Re : Azarul Sekh & anr.

.... Petitioners

Mr. Koustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh

...for the petitioners

Mr. Madhusudan Sur,
Mr. Bibaswan Bhattacharya

....for the State

Apprehending arrest in connection with Tehatta Police Station Case No.55 of 2022 dated 18.01.2022 under Sections 406/420/467/468/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the principal accused is the petitioners' son namely, Abdul Rashid Mondal, who was arrested and was subsequently enlarged on bail. The present petitioners are innocent and they have been falsely implicated. In the said conspectus, their custodial interrogation may not be necessary.

Mr. Sur, the learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code and other documents in the case diary and submits that the investigation is still continuing.

Heard the learned advocates appearing for the respective parties.

Prima facie, there is paucity of incriminating materials against the present petitioners. Considering the nature of accusations and as there is no possibility that they would flee from justice or delay the trial by abscondence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Azarul Sekh and Payel Mondal**, 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, 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 the further condition that the petitioners shall cooperate with the investigation and the petitioner no.1 shall meet with the Investigating Officer once a week till investigation is over.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/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 the petitioners' bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 731of 2022 is 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.)