

CRM 6790 of 2021
(via video conference)

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

In the matter of : **Firoj Khan @ Firoj Ali Khan**
@ Firoz Khan @ Phiroj Ali Khan & Ors.
..... petitioner

Mr. Suman De
.....For the petitioners

Mr. Arani Bhattacharyya
.....For the State

Apprehending arrest in connection with Panskura Police Station Case No. 254/2021 dated 10/06/2021 under Sections 147/149/447/436/427/379 of the Indian Penal Code read with Section 51B of the National Disaster Management Act, 2005, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioners submits that they have been falsely implicated in the alleged incident and the complaint was lodged as a counterblast to an earlier complaint lodged on behalf of the petitioners. There had also been a delay in lodging the complaint. Co-accused persons, similarly situated, had been granted anticipatory bail by a coordinate Bench of this Court. In the said conspectus, custodial interrogation may not be necessary.

Mr. Bhattacharyya, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to statements of the witnesses and the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Upon assessing the role assigned to the petitioners, it appears that their complicity is similar to the other co-accused persons, who had been granted anticipatory bail. On the ground of parity and since the allegations appear to be omnibus in nature, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Firoj Khan @ Firoj Ali Khan @ Firoz Khan @ Phiroj Ali Khan, Osiul Khan @ Osul Khan, Saddam Khan @ Saddam Kha** and **Sk. Hossen Ali @ Ali Hossen @ Sk. Ali Hossen** 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 6790 of 2021, 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.)