

10.03.2022

Court No.32

BM/Sl. No.146

CRM 7387 of 2021

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

And

In Re: Samir Hossain @ Samirul Hoque
- Petitioner

Mr. Koustav Bagchi

Mr. Arup Sarkar

Mr. Debayan Ghosh

... for the Petitioner.

Mr. Rudradipta Nandy

... for the State.

Apprehending arrest in connection with Ratua Police Station Case No.124 of 2020 dated 06.03.2020 (corresponding G.R No.546/2020) under Sections 399/402 of the Indian Penal Code read with Section 25(1)(A)/27 of the Arms Act, the petitioner has filed the present application, praying for anticipatory bail.

Mr. Bagchi, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the case. No specific overt act has been attributed to the petitioner. The principal accused is Obaidur Rahaman. Upon completion of investigation charge sheet has already been submitted and as such, custodial interrogation of the petitioner is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer drawing our attention to the statements of the witnesses as recorded under Section 161, the seizure list and other documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie it appears that no specific overt act has been attributed to the petitioner. The offending weapon was seized from Obaidur. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary, more so, when upon completion of the investigation, charge sheet has been submitted.

Accordingly, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Samir Hossain @ Samirul Hoque** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 direction that he shall not leave the jurisdiction of the Ratua Police Station save and except for attending the learned court below on all the dates as specified herein. He shall also meet with the Officer-in-Charge, Ratua Police Station once a month until further orders.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the Learned Court below shall be at liberty to his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7387 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.)