

06.01.2022

Court No.32

rpan / **337**

C.R.M. 7410 of 2021

[Through Video Conferencing]

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

And

In re: **Alamgir Sk & Others**

- Petitioners

Mr. Ali Ahsan Alamgir,

Mr. Asif Iqbal

... for the Petitioners.

Mr. Debabrata Chatterjee,

Ms. Debjani Sahu

... for the State

Apprehending arrest in connection with Bhagwangola Police Station Case no.265 of 2020 dated 06.06.2020 under Sections 447/448/354/325/307/435/436/506/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the present case as a counter-blast of the earlier case lodged by the petitioners which was registered as Bhagwangola Police Station Case No.184 of 2020. The co-accused persons, similarly situated with the petitioners herein, have already been granted anticipatory bail by a coordinate Bench of this Court. The allegations are omnibus in nature and upon completion of investigation charge sheet has been submitted. In view thereof, the petitioners may be granted anticipatory bail.

Ms. Sahu, learned advocate for the State, opposes the petitioners' prayer and submits that there are strong incriminating materials against the petitioners which clearly reveal their direct involvement in the alleged offence. In support of such contention, she has drawn our attention to the statements of the witnesses, the injury reports and the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials on record. Upon assessment of the materials on record, we find that the extent of complicity of the petitioners herein is similar to that of the accused persons, who have been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, we are of the opinion that custodial interrogation is not warranted and the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Alamgir Sk, 2. Amin Sk, 3. Ashiq Sk @ Sohal Rana @ Asik Iqbal, 4. Safikul Islam @ Taufik Sk. @ Safik, 5. Akram Sk, 6. Baidul Sk, 7. Samim Sk, 8. Sonarul Sk @ Seikh Esarul and 9. Kokil Sk** 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 attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 court below would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM No. 7410 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.)