

06.01.2022
Item no. 02
Court No.32
Avijit Mitra

C.R.M. 7689 of 2021 (Through Video Conference)

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

And

In Re : Md Basiruddin Sk @ Tunu Sk & ors.

.... petitioners

Mr. Sagar Saha

....for the petitioners

Mr. Navonil De

..... for the State

Apprehending arrest in connection with Kaliachak Police Station Case No.761 of 2020 dated 02.10.2020 under Sections 448/195A/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in view of previous enmity. Previously, the wife of the present complainant lodged a complaint against the petitioner no.1. As a counter-blast, the present complaint has been lodged. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted. As such, custodial interrogation is not warranted.

Mr. De, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of the witnesses.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegation and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted more so when, upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Md Basiruddin Sk @ Tunu Sk, Md Mojammel Hoque @ Haque and Md. Mursalim Sk.** 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.

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.

The application for anticipatory bail being C.R.M. 7689 of 2021 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.)