

04.01.2022
Item no. 245
Court No.32
Avijit Mitra

C.R.M. 7707 of 2021 (through video conference)

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

And

In Re : Ala Sahaji @ Alauddin Sahaji & ors.

.... petitioners

Mr. Kallol Kumar Basu,
Mr. Jannaut Ul Firdous

....for the petitioners

Mr. S.S. Imam,
Mr. Arabinda Manna

..... for the State

Apprehending arrest in connection with Baduria Police Station Case No.517 of 2021 dated 30.08.2021 under Sections 323/325/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations are omnibus in nature and in view thereof, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that investigation is still continuing and draws our attention to the statement of the witnesses and the injury report.

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

Prima facie, we find strong incriminating materials against the petitioner nos.1 and 3. Considering the extent of their complicity in the alleged offence, we are not inclined to exercise any discretion in their favour and accordingly, their prayer for anticipatory bail is refused.

However, *prima facie*, no overt act has been attributed to the petitioner no.2 and as such, we are of the opinion that custodial interrogation of the said petitioner no.2 is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Suban Sahaji @ Chhoban Uddin Sahaji**, 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 a further condition that the petitioner no.2 shall meet with the Investigating Officer once a week till investigation is over.

The petitioner no.2 shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner no.2 shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner no.2 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. 7707 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.)