

04.01.2022

Sl.No. 253

Ct.No. 32

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7742 of 2021

Re: An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure, 1973.

Allowed

In the matter of : Rahul Sk @ Sheikh

..... Petitioner

Mr. Kaustav Bagchi
Mr. D. Ghosh
Mr. Sourav Mukherjee

...for the Petitioner

Mr. S.S. Imam
Mr. Arabinda Manna

...for the State

Apprehending arrest in connection with Nowda Police
Station Case No. 163 of 2021 dated 13.07.2021 under
Sections 341/325/307/354/379/427 and 34 of the Indian
Penal Code, the petitioner has filed the present application.

Mr. Bagchi, learned advocate appearing for the
petitioner submits that the petitioner has been falsely
implicated in a dispute pertaining to installation of an iron
pole. The allegations are omnibus in nature and upon
completion of investigation chargesheet has already been
submitted. As such, custodial detention of the petitioner is
not necessary.

Mr. Imam, learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioner and draws our attention to several documents in the case diary including the statement of the witnesses and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted, moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Rahul Sk. @ Sheikh** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, subject 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 petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned court below on all the dates, as specified for hearing.

In the event, the petitioner fails to comply with the aforesaid directions, without any justifiable case, 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 7742 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.)