

06.01.2022
Item no. 24
Court No.32
Avijit Mitra

C.R.M. 7950 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. Hasan Tarafdar & anr.

.... petitioners

Mr. Arnab Chatterjee

....for the petitioners

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Jagacha Police Station Case No.91 of 2021 dated 18.04.2021 under Sections 341/323/325/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that there had been a case and counter case between the parties and the petitioners have been falsely implicated. The allegations are omnibus in nature and upon completion of investigation chargesheet has also been submitted. As such, custodial interrogation is not warranted.

Mr. Dan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses and the injury reports.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations 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. Hasan Tarafdar and Mahasin Tarafdar** 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. 7950 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.)

