

07.01.2022

Item no. 19
Court No.32
Avijit Mitra

C.R.M. 8022 of 2021 (Through Video Conference)

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

And

In Re : Sariful Sk @ Sariful Haque & anr.

.... petitioners

Ms. Sreyashee Biswas,
Ms. Benajir Hasna

....for the petitioner

Mr. P.K. Dutta,
Mr. Goutam Wilson

..... for the State

Apprehending arrest in connection with Suti Police Station Case No.291 of 2021 dated 03.08.2021 under Sections 448/325/307/354/379/34 of the Indian Penal Code the present application has been preferred.

Ms. Biswas, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to a previous enmity amongst the parties. No overt act has been attributed to them. Upon completion of investigation chargesheet has also been submitted and as such custodial interrogation is not necessary.

Mr. Wilson, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statements of the witnesses and the injury reports and submits that there are strong incriminating materials against the petitioners.

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

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sariful Sk @ Sariful Haque and Tofijul Sk @ Tafizul Sk** shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only) each with two local 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. 8022 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.)