

11.01.2022
Ct. No. 32
Sl. No.45
akd

C. R. M. 8183 of 2021 [via video conferencing]

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

And

In Re: **Sk. Asanul Ali**

... .. Petitioner

Mr. Amal Krishna Samanta

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Soumik Ganguli

Mr. Bibaswan Bhattacharyya

... .. for the State

Apprehending arrest in connection with Panskura Police Station Case No.21 of 2021 dated 10.01.2021 under Sections 447/341/323/307/506/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Samanta, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated in a dispute which occurred relating to construction of a wall on a plot of land. The allegations are omnibus in nature. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Bhattacharyya, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statements of witnesses and the injury report.

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

Considering the nature of accusations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of

the opinion that custodial interrogation is not warranted, more so, 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, **Sk. Asanul Ali**, 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 a local, to the satisfaction of the Arresting Officer and also 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 attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8183 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.)