

11.01.2022
Item no. 55
Court No.32
Avijit Mitra

C.R.M. 8215 of 2021 (Through Video Conference)

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

And

In Re : Tahajuddin Sekh & ors.

.... petitioners

Mr. Sumanta Das

....for the petitioners

Mr. Nguive Ahmed,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Nakashipara Police Station Case No.547 of 2021 dated 26.10.2021 under Sections 341/325/326/379 & 34 of the Indian Penal Code, the present application has been preferred.

On the prayer of Mr. Das, learned advocate appearing for the petitioners the present application so far as the petitioner no.1 is concerned is dismissed as infructuous since he has been arrested.

Mr. Das submits that the petitioner nos. 2 to 4 have been falsely implicated in view of a dispute which occurred regarding catching of fishes. No overt act has been attributed to the petitioners and as such, their custodial interrogation is not necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses including that of the injured and the injury reports.

Having heard 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 petitioner nos. 2, 3 and 4 in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Faijaddi Sekh @ Faijaddin Sk., Injamul Sekh @ Sk and Shahanaj Sekh @ Sk** 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 nos. 2 and 3 shall meet with the Investigating Officer once a week till investigation is complete.

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. 8215 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.)