

27.01.2022
Item no.253
Court No.32
Avijit Mitra

C.R.M. 8226 of 2021 (Through Video Conference)

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

And

In Re : Rasel Shaikh @ Sk & ors.

.... petitioners

Mr. Mrityunjoy Chatterjee,
Mr. Golam Nure Imrohi

...for the petitioners

Ms. Zareen N. Khan,
Md. Kutubuddin

...for the State

Apprehending arrest in connection with Murshidabad Police Station Case No.391 of 2021 dated 05.09.2021 under Sections 323/325/354/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated owing to previous enmity. The present complaint has been lodged as a counter-blast to an earlier case registered on the basis of a complaint of the petitioners herein being Murshidabad Police Station case no.241 of 2021 dated 21.06.2021 under Sections 341/323/307/506/34 of the Indian Penal Code. No specific overt act has been attributed to the petitioners. Upon completion of investigation chargesheet has

also been submitted and as such, custodial interrogation is not necessary.

Ms. Khan, learned advocate appearing for the State has placed before us the case diary pertaining to Murshidabad Police Station Case No.241 of 2021 as well as the case diary pertaining to the present matter. She opposes the petitioners' prayer and submits that there are incriminating materials on record against the petitioners.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the injury report, the manner in which the offence has taken place 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 been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Rasel Shaikh, Sahid Sk and Asgar Sk @ Palash 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.

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.8226 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)