

13.01.2022
Item no. 04
Court No.32
Avijit Mitra

C.R.M. 8253 of 2021 (Through Video Conference)

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

And

In Re : Masrekul @ Md. Masrekul @ Tarikul & anr.
.... petitioners

Mr. Koustav Bagchi,
Mr. Arup Sarkar,
Mr. Debayan Ghosh
....for the petitioners

Mr. N.P. Agarwala,
Ms. Subhasree Patel,
Mr. Pratik Bose
..... for the State

Apprehending arrest in connection with Ratua Police

Station Case No.583 of 2021 dated 25.10.2021 under Sections 341/325/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioners submits that the *de facto* complainant is the mother-in-law of the petitioner no.1 and the petitioner no.2 is the mother of the petitioner no.1. There was a family dispute between the parties and petitioners have been falsely implicated. There is also no possibility that the petitioners would flee from justice. In the said conspectus, custodial interrogation of the petitioners is not necessary.

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

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 petitioners 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, **Masrekul @ Md. Masrekul @ Tarikul and Taraful Bibi @ Mastara** 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 direction that the petitioner no.1 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. 8253 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)

