

CRM 8295 of 2021
(via video conference)

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

In the matter of : **Md. Halal Ahmed @ Helal Ahmed & Ors.**
..... petitioners

Mr. Kaushik Choudhury
.....For the petitioners

Mr. S. S. Imam
Mr. Arabinda Manna
.....For the State

Apprehending arrest in connection with Islampur Police Station Case No. 640 of 2020 dated 12.08.2020 under Sections 341/323/325/326/307/379/354/506/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Mr. Choudhury, learned advocate appearing for the petitioners submits that there was a land dispute between the parties and petitioners have been falsely implicated. A complaint pertaining to the same incident was also lodged on behalf of the petitioners. The allegations are omnibus in nature and in view thereof, custodial interrogation is not necessary.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the medical report and the extent of complicity of the petitioners in the alleged offence, we

are of the opinion that custodial interrogation is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Md. Halal Ahmed @ Helal Ahmed, Md. Abdul Mustafa** and **Md. Ziaul Mustafa @ Guddu** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8295 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)