

13.01.2022

Court No.32
rpan/ 19

C.R.M. 8328 of 2021

[Via video Conferencing]

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

And

In re: **Tohid Sk @ Kiran**
- Petitioner.

Mr. Bitasok Banerjee

... for the Petitioner.

Mr. Bidyut Kumar Roy,

Ms. Rita Dutta

... for the State.

Apprehending arrest in connection with Paikar Police Station Case No.193 of 2021 dated 11.11.2021 under Sections 341/323/324/326/506/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Banerjee, learned advocate appearing for the petitioner submits that there was a dispute regarding garbage disposal near a drinking water tap amongst the parties, who are the neighbours. In the said dispute the petitioner has been falsely implicated. The allegations are omnibus in nature and as such, custodial interrogation is not necessary.

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

Having heard the 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, we are of the opinion that

custodial interrogation is not warranted. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Tohid Sk @ Kiran** 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 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, with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM No. 8328 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.)