

27.01.2022
Item no.264
Court No.32
Avijit Mitra

C.R.M. 8388 of 2021 (Through Video Conference)

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

And

In Re : Hesamuddin & ors.

.... petitioners

Ms. Minoti Gomes

...for the petitioners

Mr. S.G. Mukherjee, Ld. P.P.,

Mr. Sandip Chakraborty

...for the State

Apprehending arrest in connection with Harishchandra Pur Police Station Case No.774 of 2021 dated 11.10.2021 under Sections 341/325/326/307/354/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioner no.2 is a lady and the petitioner no.3 is an aged person. All the petitioners have been falsely implicated. The incident occurred on the spur of the moment and no specific overt act has been attributed to the petitioners. In the said conspectus, custodial interrogation is not necessary.

Mr. Chakraborty, 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 the learned advocates appearing for the respective parties and considering the materials in the case diary, the injury report, the nature of accusations and the extent

of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Hesamuddin, Rahena Bibi @ Rahana Khatun, Kabir Ali @ Kabirul and Ekbar Ali @ Akbar Hossain**, 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 nos. 1 and 4 shall meet with the investigating Officer of the case 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.8388 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.)

