

18.01.2022

Court No.32

rpan/ 11

C.R.M. 8407 of 2021

[Via video Conferencing]

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

And

In re: **Israfil Sk. @ Esrafil Sk.**

- Petitioner.

Ms. Minoti Gomes,

Mr. Jisan Iqubal Hossain

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Navanil De,

Ms. Ayantika Roy

... for the State.

Apprehending arrest in connection with Domkal Police Station Case No.462 of 2021 dated 03.08.2021 under Sections 341/379/376/511/506/34 of the Indian Penal Code, the petitioner has filed the present application.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation charge sheet has also been submitted. In view thereof, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the victim as recorded under Section 164 of the Code, the statements of other witnesses as recorded under Section 161 of the Code and the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the statement of the victim, the statements of other witnesses, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when, upon completion of investigation, charge sheet has been submitted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Israfil Sk. @ Esrafil Sk.** 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.

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. 8407 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)