

18.01.2022
Item no. 30
Court No.32
Avijit Mitra

C.R.M. 8551 of 2021 (Through Video Conference)

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

And

In Re : Mayen Shaikh

.... petitioner

Mr. Golam Mostafa

....for the petitioner

Ms. Anasuya Sinha,

Mr. Pinak Kumar Mitra

..... for the State

Apprehending arrest in connection with Murutia Police Station Case No.241 of 2021 dated 14.11.2021 under Sections 325 and 326 of the Indian Penal Code, the present application has been preferred.

Mr. Mostafa, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in a dispute between the parties pertaining to land. The allegations are omnibus in nature. In the said conspectus, the petitioner's custodial interrogation is not necessary.

Ms. Sinha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code and the injury reports.

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 petitioner in the alleged offence, we are of the

opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Mayen Shaikh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 condition that the petitioner shall cooperate with the investigation and meet with the Investigating Officer as and when called for.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8551 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

