

18.01.2022
Ct. No. 32
Sl. No.44
sdas

C. R. M. 8593 of 2021
[via video conferencing]

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

And

In Re: *Haqmohammad @ Sk. Haqmohammad & Ors.*
... .. Petitioners

Mr. Krishnendu Bhattacharyya
... .. for the petitioners

Mr. Angshuman Chakraborty
... .. for the State

Apprehending arrest in connection with Palashipara Police Station Case No. 394 of 2021 dated 17.10.2021 under Sections 447/325/307/379/34 of the Indian Penal Code, this application has been preferred by the petitioners.

Mr. Bhattacharyya, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated due to previous enmity. There is a subsisting land dispute between the parties and in respect of the same a civil suit is pending. The present complaint has been lodged as a counter blast to an earlier complaint lodged on behalf of the petitioners. The allegations are omnibus in nature and in view thereof custodial interrogation is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and the injury report.

Heard the learned advocates appearing for the respective parties and considering the materials in the case diary.

Prima facie, it appears that there is a subsisting dispute between the parties and that the present complaint has been lodged subsequent to a complaint lodged by the petitioners. Considering the nature of accusations, the injury report and the extent of complicity of the petitioners, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Haqmohammad @ Sk. Haqmohammad* (2) *Rahul Mondal* (3) *Abbas Sekh* (4) *Jalema Bibi @ Jalema Bibi Mondal* and (5) *Sarifa Bibi @ Sarifa Bibi Sk.* 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 a local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners no. 1, 2 and 3 shall meet with the investigating officer once in a week till the investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail, being CRM 8593 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.)