

07.02.2022
Item no. 05
Court No.32
Avijit Mitra

C.R.M. 8617 of 2021

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

And

In Re : Jaheruj Haque @ Jaher Hq. & anr.

.... petitioners

Ms. Devipriya Mitra

....for the petitioners

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

Mr. Abhra Mukherjee,

Ms. Manisha Sharma

..... for the State

Apprehending arrest in connection with Itahar Police

Station Case No.53 of 2021 dated 07.02.2021 under Sections 341/323/325/307/34 of the Indian Penal Code, the present application has been preferred.

Ms. Mitra, learned advocate appearing for the petitioners submits that there was a hot altercation between the parties pertaining to a land dispute. Upon completion of investigation chargesheet has also been submitted and as such the petitioners may be granted anticipatory bail on any stringent condition.

Ms. Sharma, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as well as the injury reports.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the injury reports, 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 more so when upon completion of investigation chargesheet has been submitted. However, petitioners' movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Jaheruj Haque @ Jaher Hq. and Jamsed Ali**, 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 shall not enter the jurisdiction of Itahar Police Station until further orders. He shall intimate the address where he would be residing to the Officer-in-Charge of Itahar Police Station immediately.

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. 8617 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

