

25.01.2022
Item no. 17
Court No.32
Avijit Mitra

C.R.M. 8747 of 2021 (Through Video Conferencing)

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

And

In Re : Imran Hossain @ Mallick @ Firoz

.... petitioner

Mr. Asraf Mondal

....for the petitioner

Mr. Saibal Bapuli,

Mr. Arani Bhattacharya

..... for the State

Apprehending arrest in connection with Burwan Police Station Case No.308 of 2021 dated 07.11.2021 under Sections 448/326/307/34 of the Indian Penal Code and 25/27 of the Arms Act, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that in view of previous enmity, the petitioner has been falsely implicated. No overt act has been attributed to the petitioner and in the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the injured as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including 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 is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Imran Hossain @ Mallick @ Firoz**, 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 direction that the petitioner shall meet with the Investigating Officer once a week till investigation is complete.

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.8747 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)

