

25.01.2022

Court No.32
Item No.24
suvayan

C.R.M. 8773 of 2021

[Via video Conferencing]

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

And

In re: **Rajesh Sk. & Ors.**

...Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... for the Petitioners.

Mr. Iqbal Kabir

... for the State.

Apprehending arrest in connection with Santipur Police Station Case No.138 of 2021 dated 23.02.2021 under Sections 447/448/326/307/354/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioners submit that a dispute occurred pertaining to operation of a sound system and the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners. Upon completion of investigation charge-sheet has also been submitted and as such custodial interrogation of the petitioners is not necessary.

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

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the manner in which the offence has taken place and the extent of

complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not warranted moreso when upon completion of investigation charge-sheet has been submitted. As such, their prayer for anticipatory bail is allowed. However, their movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Rajesh Sk., Suman Sk. @ Md. Suman Sk. and Jubbar 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 with a further condition that the petitioners shall not enter the jurisdiction of Santipur Police Station until further orders.

The petitioners shall also intimate the address where they would be residing to the Officer-in-Charge of the Santipur Police Station immediately.

The petitioners shall also attend the learned Court below on all the dates as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses 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 No. 8773 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.

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