

25.01.2022

Court No.32
sourav/29

C.R.M. 8793 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chanchal Police Station Case No. 199 of 2021 dated 15.03.2021 (Corresponding G.R. No. 579 of 2021) under Sections 447/323/325/326/307/354/379/34 of the Indian Penal Code;

And

In re: **Taj Sk @ Tajamul @ Tajamul Hoque @ Tajemul Hoque and Ors.**

- Petitioners.

Mr. Kaustav Bagchi,
Mr. Arup Sarkar,
Mr. Debayan Ghosh

... for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

... for the State.

On the prayer of Mr. Bagchi, learned advocate appearing for the petitioners, the present application, so far as the petitioner no.1 is concerned, is dismissed as '*infructuous*' since he has already been arrested.

Mr. Bagchi submits that the present complaint had been lodged as a counter-blast to earlier two complaints lodged on behalf of the family of the petitioners herein. No specific overt act has been attributed to the petitioners and upon completion of investigation, charge-sheet has also been submitted. In view thereof, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner nos. 2 and 3 in the alleged offence, we are of the opinion that their custodial interrogation is not necessary. The said petitioners are female family members and *prima facie* there is also no possibility that they would flee from justice. As such, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos. 2 and 3 namely, **Kalo Bibi @ Nurjahan Khatun** and **Banu Bibi** 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 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, 1973.

It is further directed that the petitioner nos. 2 and 3 shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever and shall attend the learned Court below on all the dates as specified for hearing.

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.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 8793 of 2021 is partly 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.)