

27.01.2022.
SL.12
Saswata
(Allowed)

**C.R.M. 8897 of 2021
(Through Video Conference)**

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

In the matter of : Amir Khan

... Petitioner.

Mr. S. Ahmed

...for the Petitioner.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

.....For the State.

Apprehending arrest in connection with Suti Police Station case No. 184 of 2021 dated 23.05.2021 under Sections 341/325/326/307/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Ahmed, learned advocate appearing for the petitioner submits that there was a hot altercation between the parties and the petitioner has been falsely implicated. No specific overt act has been attributed to the petitioner and upon completion of investigation, chargesheet has also been submitted. In view thereof, the petitioner may be granted anticipatory bail on any stringent conditions.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of witnesses and the injury report.

Having heard the learned advocates for the respective parties and considering the materials in the case diary, including the injury report, the manner in which the offence has taken place, nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary more so, when upon completion of

investigation chargesheet has been submitted. However, the petitioner's movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Amir Khan**, be released on bail upon furnishing a Bond of ₹10,000/- (Rupees Ten thousand only), 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 with a further condition that the petitioner shall not enter within the jurisdiction of Suti police station until further orders. He shall intimate the address where he would be residing to the Officer-in-charge of Suti police station.

It is further directed that the petitioner shall attend the learned trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses 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. 8897 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.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)

