

CRM 8983 of 2021
(via video conference)

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

In the matter of : **Emdadul Haque @ Imdadul Hoque & Ors.**
..... petitioners

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Ms. Anamitra Banerjee

.....For the petitioners

Mr. Saswata Gopal Mukherji, Ld. PP
Ms. Faria Hossain
Mr. Anand Keshari

.....For the State

Mr. Amanul Islam

.....For the *de facto* complainant

Apprehending arrest in connection with Chanchal Police Station Case No. 1016 of 2019 dated 26.11.2019 under Sections 341/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioners are all students of Samsi College at Chanchal. There was a dispute between the two groups of students in which the petitioners have been implicated. No specific overt act has been attributed to the petitioners. Upon completion of investigation, charge has already been submitted and as such, custodial interrogation of the petitioners may not be necessary.

Mr. Keshari, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to

the statement of the witnesses, as recorded under Section 161 of the Code as well as the injury report.

Mr. Islam, learned advocate enters appearance on behalf of the *de facto* complainant.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there was a hot altercation between two groups of students of Samsi College. The allegations are omnibus in nature. Considering 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 custodial detention of the petitioners is not necessary moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Emdadul Haqque @ Imdadul Hoque, Sayed Afridi @ SayId AfridiL, Nasiruddin @ Md. Nasiruddin @ Mahammad Nasiruddin** and **Md. Asadulla @ Mahammad Ashadullah** 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 and with a further condition that the petitioners shall meet with the Officer-in-

Charge of Chanchal Police Station once a week until further orders.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend 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 shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8983 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)