

17.02.2022
JP Item no. 04
Court No.32
Avijit Mitra

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
Through Video Conference**

C.R.M. (A) No. 82 of 2022

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

And

In Re : Rabiul Haque

.... petitioner

Mr. Sabir Ahmed,
Ms. Mousumi Das

....for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

..... for the State

Apprehending arrest in connection with Tufanganj Police Station Case No.20 of 2022 dated January 5th, 2022 under Sections 379/406/506 of the Indian Penal Code, the present application has been preferred.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The petitioner did not enter into any partnership agreement with the *de facto* complainant. He is also not the proprietor of any firm. The *de facto* complainant himself had perpetrated the offence. In the said conspectus, custodial interrogation may not be necessary and the petitioner may be granted anticipatory bail on any condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the witnesses as recorded under Section 161 of the Code and other documents in the case diary. Answering our query, he submits that there was no partnership agreement in the case diary and that the investigation is still continuing.

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

Prima facie, we do not find any document from which it would be explicit that the petitioner had nexus with any firm. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary. However, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Rabiul Haque**, 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 of the case 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.(A) No. 82 of 2022 is 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.)