

CRM (A) 233 of 2022

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

In the matter of : **Nurnabi Hoque @ Nurnabi Haque & Ors.**

- Petitioners

Mr. Hillol Saha Podder
...for the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy
...for the State

Apprehending arrest in connection with Sahebganj Police Station Case No. 485 of 2021 dated 01.10.2021 under Sections 341/323/325/326/307/379/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioners submits that the petitioners were not present at the place of occurrence and they have been falsely implicated. The complaint was lodged about four days after the alleged incident. No specific overt act has been attributed to the petitioners and as such, their custodial interrogation may not be necessary.

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

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

Prima facie, the allegations appear to be omnibus in nature. No specific overt act has been attributed to the petitioners. Considering the nature of allegations, the injury report, the statements of the witnesses and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, moreso when, upon completion of investigation charge-sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Nurnabi Hoque @ Nurnabi Haque, Jahangir Miah @ Jahangir Haque** and **Ajidul Miah @ Aajidul Miyan** 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 petitioners shall appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel their bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 233 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)