

12.05.2022
Item no.09
Court No.01
Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 253 of 2022

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

And

In Re : Majibar Ali @ Moji & ors.

.... petitioners

Mr. Biswarup Roy

....for the petitioners

Mr. Aditi Shankar Chakraborty,

Ms. Namrata Das

..... for the State

Apprehending arrest in connection with Raiganj Police Station Case No.281 of 2022 dated 30.04.2022 under Sections 420/120B of the Indian Penal Code read with Section 3/4 of the W.B.G. & P.C. Act, the present application has been preferred.

Mr. Roy, learned advocate appearing for the petitioners submits that the offences, as alleged, are Magistrate triable. No notice under Section 41A of the Code has been served upon the petitioners. Their names have transpired on the basis of co-accused statement before the police officer which is inadmissible in evidence and in view thereof, custodial interrogation of the petitioners is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the cause title.

Answering our query he submits that there had been no seizure from the petitioners.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations 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.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Majibar Ali @ Moji, Bappa @ Mahasin Md., Arup Sonar, Amit Verman @ Gullu Gowala @ Guluwa and Pandit @ Jagajit Mandal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 with a further condition that the petitioners shall meet the Investigating Officer of the case once a week till investigation is complete and they shall also attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

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 petitioners' bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 253 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.)