

11.05.2023
PP (17)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 236 of 2023

In the Matter of : Nazrul Islam @ Nazu Miya & Ors.
.... Petitioners.

Mr. Hillol Saha Podder,
Ms. Mousumi Dasfor the petitioners.

Mr. Abhijit Sarkar,
Mr. Saikat chatterjee
.....For the State.

1. This is an application under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.), made by the petitioners on the apprehension of being arrested in connection with Tufanganj Police Station Case No. 112 of 2023 dated 17th February, 2023 under Sections 341/323/325/326/307/379/506/34 and 120B of the Indian Penal Code, 1860 (in short, IPC).

2. The petitioners are four out of five accused persons said to have inflicted grievous hurt to the victim. The incident occurred on 17th February, 2023. The investigation has proceeded to a considerable extent by recording the statements of the eye witnesses. The weapon said to have been used in the incident has also been recovered.

3. On behalf of the prosecution, the anticipatory bail is opposed on the ground that the injury of the victim is such that her statement under Section 161 of the Cr. P. C. cannot be recorded at the present. That apart, it is submitted that the petitioners are absconding because even after several raids being conducted the petitioners could not be traced out in the locality.

4. After hearing the parties and considering the materials on record including the case diary and the contemporaneous documents, we are of the view that custodial interrogation of the petitioners are not required for the progress of the investigation, particularly in view of the fact that the alleged weapon has been recovered, the statements of the eye witnesses have been recorded and circumstantial evidence has been collected in the course of the investigation that has taken place till now.

5. We accordingly allow this application for anticipatory bail on the following terms:

(a) (a) We direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, to the satisfaction of the Arresting Officer.

(b) The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

6. We impose further conditions that:

- (a) The petitioner/petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.
- (b) The petitioner/petitioners shall appear before the investigating officer for interrogation as and when summoned.
- (c) The petitioner/petitioners shall not enter the local limits of the jurisdictional police station save for meeting the Investigating Officer.
- (d) The petitioner/petitioners shall provide the details and whereabouts of his/her/their to the Investigating Officer.
- (e) The petitioner/petitioners shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of his/her/their whereabouts.
- (f) The petitioner/petitioners shall not tamper with evidence or interfere with the witnesses in any manner.
- (g) The petitioner/petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

9. The application for anticipatory bail CRM(A) 236 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.)

(Arindam Mukherjee, J.)

