

15.06.2023
SL No.48
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 405 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No.115 of 2023, dated 01.03.2023 under Sections 341/427/461/379/506 and 34 of the Indian Penal Code.

And

In the matter of : **Abdul Karim @ Karim Md. & Ors.**

- Petitioners.

Mr. Kunaljit Bhattacharjee,
Mr. Haider Ali,
Mr. Satyam Sarkar,
Mr. Rahul Ghatak

... For the Petitioners.

Mr. Sourav Ganguly,
Ms. Sukanya Adhikary,

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the statement in the FIR corroborates with the statement made by independent witness under Section 161 of the Cr.P.C. directly implicating the petitioners in the commission of alleged offence.

3. Considering the materials available in the case diary and the nature of dispute and complicity of the petitioners in the commission of alleged offence and no notice under Section 41A of the Cr.P.C. has been served upon the petitioners and that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioners is not required.
4. Accordingly, we direct that in the event of arrest, the accused/petitioners 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall appear before the court below and pray for regular bail within four weeks from date and the petitioners shall not enter the jurisdiction of the Rajganj Police Station except for the purpose of meeting the Investigating Officer and attending the Court and casting the vote.
5. Accordingly, the application for anticipatory bail is allowed and disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)