

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

29.08.2023

Item no.34
Court No.01
P.P./S.D.

CRM (A) 675 of 2023

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

And

In Re : Mojahar Ali

.... Petitioner

Mr. Subhasish Misra

Mr. Swarup Das

....for the petitioner

Mr. Tapan Bhattacharjee,

Mr. Dhiman Sil

..... for the State

Apprehending arrest in connection with Dinhata Police Station Case No.544 of 2022 dated 30.10.2022 under Sections 448/323/354/436/506/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Misra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was an existing dispute as regards a boundary wall between the families. No specific overt act has been attributed to the petitioner. The allegations are omnibus in nature and as such the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Bhattacharjee, learned advocate appearing on behalf of the State opposes the petitioner's prayer and submits that investigation is still continuing and there are incriminating materials on record against the petitioner.

Having heard the learned advocates for the respective parties and considering the materials on record, the statements of the witnesses, the nature of accusations, the manner in which the offence has taken place and the extent of complicity of the petitioner, we are of the opinion that his custodial interrogation may not be necessary.

Accordingly, we allow the prayer for anticipatory bail of the petitioner.

We direct that in the event of arrest, the petitioner namely, **Mojahar Ali**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 direction that he shall meet with the Investigating Officer of the case till the completion of the investigation.

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

The application for anticipatory bail CRM (A) 675 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)