

31.08.2023
Item no.7
Court No.01
P.P./S.D.

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

CRM (A) 704 of 2023

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

And

In Re : Matiyar Rahaman @ Matiar Rahaman & Ors.
.... Petitioners

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy

....for the petitioners

Mr. Aditi Shankar Chakraborty, APP,
Mr. Subhasish Misra

..... for the State

Apprehending arrest in connection with Falakata Police Station Case No.378 of 2023 dated 01.08.2023 under Sections 341/323/325/354/379/448/436/427/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioners have been falsely implicated due to enmity between the two families. In the said conspectus, the petitioners may be granted anticipatory bail.

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

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the injury reports, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that the petitioners' custodial interrogation is not necessary.

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

We direct that in the event of arrest, the petitioners namely, **Matiyar Rahaman @ Matiar Rahaman, Ajijar Rahaman, Jiyarul Hoque @ Jiarul Haque, Serajul Hoque @ Miya Sirajul Hak, Anoar Hossain @ Anowar, Gani Rahaman, Azad Ali @ Miya Ajad Ali, Makedul Hoque @ Mokedul Haque @ Mokedul Hoque, Mahidul Hoque @ Mohidul and Rabiul Hoque @ Robiul Haque** 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 direction that they shall meet with the Investigating Officer of the case once a week till such investigation is completed.

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

The application for anticipatory bail CRM (A) 704 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.)