

31.08.2023
Item no.20
Court No.01
Avijit Mitra

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

CRM (A) 718 of 2023

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

And

In Re : Rafikul Miah & ors.

.... Petitioners

Ms. Suman Sehanabis (Mandal),
Mr. Salok Sah

....for the petitioners

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar

..... for the State

Apprehending arrest in connection with Mathabhanga Police Station Case No.249 of 2023 dated 16.05.2023 under Sections 447/448/427/323/324/325/326/307/354/34 of the Indian Penal Code, the present application has been preferred.

Ms. Sehanabis, learned advocate appearing for the petitioners submits that there was a family dispute between the brothers and in the same, the petitioners have been falsely implicated. There was a case and a counter-case. The allegations are omnibus in nature and as such petitioners' custodial interrogation may not be necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code as well as the injury report.

Prima facie, from the documents on record the involvement of the petitioner nos. 1 and 2 cannot be totally ruled out and as such their prayer for anticipatory bail is refused.

So far as the petitioner nos. 3 to 6 are concerned, *prima facie*, there is no possibility that they would flee from justice. Considering the nature of accusations, the manner in which the offence has taken place, the possible extent of complicity of the said petitioners, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Hafeja Bibi, Amina Bibi @ Amena Bibi, Abu Chhayed Miah @ Mostafa @ Mostafa Rahaman and Soleman Bibi @ Cholema Bibi** 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.

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

The application for anticipatory bail CRM (A) 718 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.)