

04.07.2024
SL No.28
Court No.29
TN
(Allowed)

CRM (A) 2107 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No.93 of 2024 dated 29.01.2024 under Sections 307/325/341/363/363(A)/394/429/34 IPC.

And

In the matter of : **Samiul Sk @ Islam and others.**

- petitioners.

Mr. Md. Zeeshauddin,
Mr. M. H. Chowdhury

.... for the petitioners.

Mr. Antarikhya Basu,
Mr. Abhinaba Mukherjee

... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated.
2. The learned Counsel for the State opposes the prayer.
However, our attention is drawn to the statement of the *de facto* complainant recorded under Section 164 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the statement of the *de facto* complainant recorded under Section 164 CrPC which *prima facie* does not specifically implicate the petitioners, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Samiul Sk @ Islam, Mahamadul Islam, Md. Abdur Rahim @ Rahim Sk., Habibur Sk and Abdul Jabbar** shall 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. The petitioners shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report.

5. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)