

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

05.03.2024
Court No.1
Item.151
(Srimanta)

CRM(A) 133 OF 2024

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Dhupguri Police Station Case No. 448/2023 dated 23.08.2023 under Sections 399/402 of the Indian Penal Code corresponding to G.R.Case No. 4458/2023.

And

In the matter of: SAHAJAHAN @ SAHAJAN ALAM.

.Petitioner.

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Rikta Sarkar

For the petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das

For the State.

1. We do not agree with the grounds given by the prosecution for custodian interrogation of the petitioner. Learned Counsel appearing for the prosecution says that the petitioner’s custodial interrogation is necessary since the petitioner is involved in other offences of similar nature.
2. This itself cannot be the sole ground for denying anticipatory bail to the petitioner. This particularly so where the prosecution can independently proceed against the petitioner for the other alleged offences.

3. We are hence of the view that custodial interrogation is not required and are inclined to allow the prayer for anticipatory bail.
4. We accordingly direct that in the event of arrest, the petitioner shall 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 who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer when the petitioner will be called upon to do so. The petitioners shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
5. The application for anticipatory bail being CRM (A) 133 OF 2024 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)