

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

01.04.2024
Court No.01
rpan/ 194

CRM (A) 193 of 2024

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

And

In Re: Abul Rahaman @ Md Abul Rahaman

- Petitioner

Mr. Hillol Saha Podder
...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil
...for the State.

Apprehending arrest in connection with Ghoksadanga Police Station Case No.586 of 2023 dated 19.11.2023 under Section 394 of the Indian Penal Code, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and had been roped in on the basis of mere suspicion. No specific overt act has been attributed to the petitioner and his name also does not feature in the First Information Report. In the said conspectus, his custodial interrogation may not be necessary.

Such prayer has been opposed by Mr. Bhattacharjee, learned advocate appearing for the State. He submits that there are strong incriminating materials on record against the petitioner. Answering our query, he submits that investigation is still continuing and some co-accused persons have been arrested.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, the gravity of the offence alleged, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation may not be necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Abul Rahaman @ Md Abul Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/- 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 condition that the petitioner shall meet with the Investigating Officer of the case once a week till completion of the investigation.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 193 of 2024, is disposed of.

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

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)