

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

04.04.2024
Court No.01
rpan/ 07

CRM (A) 205 of 2024

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

And

In Re: Majidul Hoque @ Moji & 2 Others

- Petitioners

Mr. Subhasish Misra,
Mr. Satyajit Paul
...for the Petitioners.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Aniruddha Biswas
...for the State.

Apprehending arrest in connection with Dinhata Police Station Case No.540 of 2023 dated 22.09.2023 under Sections 447/341/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Misra, learned advocate appearing for the petitioners submits that there was an altercation amongst the parties and the petitioners have been falsely implicated. No specific overt act has been attributed to the petitioners and in the said conspectus, custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that there are strong incriminating materials on record against the petitioners. In support of such contention he has drawn our attention to the statements of the witnesses and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The materials on record reveal the direct involvement of the petitioner no.1 in the alleged offence and as such, his prayer for anticipatory bail is refused.

Considering the nature of allegations as levelled against the petitioner nos.2 and 3 and their possible extent of complicity in the alleged offence, we are of the opinion that their custodial interrogation may not be necessary.

Accordingly, we direct that in the event of arrest the petitioner nos.2 and 3, namely, **Ruhul Amin @ Raju** and **Manik Roy Singha** respectively 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that they shall not enter the jurisdiction of Dinhata Police Station until further orders, save and except for meeting with the Investigating Officer of the case once a week till the investigation is complete and for attending the learned trial court on all the dates fixed for hearing. They shall also intimate the address where they would be residing to the Investigating Officer of the case immediately.

It is further directed that the petitioner nos. 2 and 3 shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioner nos.2 and 3 fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel their bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 205 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.)