

09.04.2024
Court No.01
rpan/ 266

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

CRM (A) 273 of 2024

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

And

In Re: Sahidul Haque

- Petitioner.

Mr. Sudip Guha,
Mr. Sandip Guha Roy
...for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Ms. Sukanya Adhikary
...for the State.

Apprehending arrest in connection with Dinhata Police
Station Case No.325 of 2023 dated 27.06.2023 under Sections
447/341/324/325/326/307/302/506/34 of the Indian Penal Code
read with Section 12 of the I.P.P. Act and Sections 25/27/35 of the
Arms Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that there was a fight between members of two political
groups in which the petitioner has been falsely implicated. No
specific overt act has been attributed to the petitioner. Upon
completion of investigation chargesheet has also been submitted
and as such, custodial interrogation of the petitioner may not be
necessary.

Mr. Chakraborty, learned Additional Public Prosecutor
appearing for the State opposes the petitioner's prayer and submits
that there are strong incriminating materials on record against the
petitioner. His direct involvement in the alleged offence cannot be

ruled out. In support of such contention he has drawn our attention to the statement of the witness, recorded under Section 164 of the Code.

Heard the learned advocates and considered the materials on record.

Prima facie, the name of the petitioner only appears in the statement of one Miznur Rahaman, as recorded under Section 164 of the Code. However, Miznur Rahaman made such statement on the basis of what he had heard from the family members of the victim. The name of the petitioner, however, does not feature in the statement of other eyewitness, as recorded under Section 164 of the Code. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not necessary, moreso when upon completion of investigation chargesheet has already been submitted.

Accordingly, we direct that in the event of arrest the petitioner namely, **Sahidul Haque** 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 further conditions that he shall meet with the Officer-in-Charge, Dinhata Police Station once a fortnight till the charges are framed and shall also attend the trial court on all the dates as fixed for hearing.

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

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 273 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.)