

**CALCUTTA HIGH COURT CIRCUIT
BENCH AT JALPAIGURI**

CRM (A) 276 of 2024

Re: An application for anticipatory bail under Section 438
of the Code of Criminal Procedure.

In the matter of : **Amal Biswas & Ors.**

..... petitioners

**Mr. Sourav Ganguly
Ms. Rishita Chakraborty
Mr. Gopal Roy**

For the petitioners

**Mr. Nilay Chakraborty, Ld. APP
Mr. Sagnik Sankar Sikdar**

For the State

Apprehending arrest in connection with Falakata
Police Station Case No. 282 of 2023 dated
16.06.2023 under Sections 186/188/353/
333/427/34 of the Indian Penal Code, 1860, the
present application has been preferred.

Ms. Chakraborty, learned advocate appearing
for the petitioners submits that the petitioners
have been falsely implicated. The allegations are
omnibus in nature and there is also reasonable
apprehension that the petitioners would flee from
justice. In the said conspectus, custodial
interrogation of the petitioners may not be
necessary and they may be granted anticipatory
bail on any stringent condition.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State, however, opposes the petitioners' prayer and submits that the police authorities were restrained from taking appropriate steps in compliance with the order passed by the competent forum towards recovery of *streedhan* property of one Britibala Biswas.

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

Prima facie, no specific overt act has been attributed to the petitioners. Considering the nature of allegations, the manner in which the alleged offence has taken place and the probable extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Amal Biswas, Nirmal Biswas @ Nimal Biswas, Saddam Hossain, Mafijuddin @ Mohfij @ Mafijuddin Mia, Nazrul Islam @ Najrul Islam, Sahinur Alam @ Saranur @ Satinur Alam, Manowar Hossain @ Hosen, Delowar Hossain @ Dalower Hossain, Tarzar Ali @ Tajdar Hossain** and **Samsul Miya @ Patti Samsul @ Samsul Haque** 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 with a further condition that the petitioners shall meet with the investigating officer once a week till investigation is complete and shall attend the learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, without any further reference to this Court.

The application for anticipatory bail, being **CRM (A) 276 of 2024**, is, thus, 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.)