

30-09-2020
Subha
Item no.15
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6940 of 2020

Ali Hosen Seikh and 2 ors.

-vs-

The State of West Bengal

(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Bharatpur P. S. Case No.104 of 2019 dated May 5, 2019 under Sections 341/324/307/286/286/34 of the Indian Penal Code.

Mr. Mirz Firoj Ahmed Begg
Mr. Sk. Jalauddin

...for the petitioners.

Mr. Binay Panda
Ms. Puspita Saha

... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

Mr. Begg, learned advocate appearing for the petitioners submits that the petitioners are innocent of the charges and they have been falsely implicated in the instant case. The learned advocate for the petitioners further adds that going by the nature of the allegations of the petitioners, the petitioners' custodial detention may not be warranted.

Mr. Panda, learned advocate appearing for the State opposes the prayer for anticipatory bail and produces the injury report.

We have taken into account the injury report along with the other materials which are appearing in the memorandum of evidence and on an evaluation of the same, we are of the opinion that although a case has been made out, but the same do not warrant custodial interrogation of the present petitioners. Accordingly, the prayer for anticipatory bail of the present petitioners are allowed.

As such, in the event of arrest, the petitioners shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of Rs.5000/- each, one of whom must be local subject to the satisfaction of the arresting officer/investigating officer and on condition that they shall not tamper with the evidence of the case or intimidate the witnesses.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

[Tirthankar Ghosh, J]

[Samapti Chatterjee, J]

