

23.09.2020

BP/BR
Sl.39

CRM 6956 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Kaliachak Police Station Case No. 488 of 2020 dated 23.06.2020 under Sections 447/326/354/34 of the Indian Penal Code.

In the matter of : Mahatab Sekh & Ors.....petitioners

Mr. Sagar Saha
..for the petitioners.

Md. Anwar Hossain
Ms. Sreyashee Biswas
..for the State.

Learned advocate for the petitioners submits that there were previous dispute regarding the property between the petitioners and the defacto complainant and the present case has been initiated malafidely for settling the dispute regarding the property. Learned advocate for the petitioners further submits that from the nature of allegations, the custodial detention of the petitioners may not be warranted.

Learned advocate for the State opposes the prayer for anticipatory bail and submits the memorandum of evidence as also the injury report.

We have perused the same and we are not satisfied with the recordings in the said injury report. After taking into account the whole factum of the case, we are of the opinion that although a case may have been made out against the petitioners but the custodial detention of the petitioners are not required for the sake of investigation of the case.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioners (Mahatab Sekh, Rentu Sekh @ Rintu, Sentu Sekh, Bhotu Sekh, Metaul Sekh @ Md. Metaul Sekh @ Netabur, Jitu Sekh @ Robu Sk.) shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 6956 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)

