

17.11.2020

Item No.14

Ct.No.11

dc.

Allowed

C.R.M. 7128 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Banshihari P.S. Case No. 48/2020 dated 25.03.2020 under Sections 341/323/325/326/307/354/379/34 of the Indian Penal Code (G.R. Case No. 229/2020).

And

In the matter of : Asiya Bewa @ Asiya Bibi & Ors.
... Petitioners.

Mr. Sajal Kanti Bhattacharyya,
Mr. Sarthak Burman ... For the Petitioners.

Mr. Prasun Kumar Datta,
Mr. Nirupam Dhali ... For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The learned advocate for the petitioners submits that the petitioners are innocent of the charges and there was land dispute between the family of the petitioners and that of the complainant.

The learned advocate appearing for the State produces the case diary and draws the attention of this Court to the injury report.

We have perused the materials on record which include the injury report and we have already taken into account that the investigating authorities have submitted the report under Section 173 of the Code of Criminal Procedure (charge-sheet).

Having regard to the aforesaid fact, we are of the opinion that the custodial detention of the petitioners may not be necessary any further for the purpose of investigation. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners 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 and on condition that they shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7128 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)