

29.09.2020
Item no. 24
Ct.12
FB/G. S. Das

C.R.M. No.7283 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 237 of 2020 dated 9/7/2020, under Sections 341/326/325/307/379/506/34 of the Indian Penal Code.

And

In the matter of:-

Anar Sk @ Anar Ali Sheikh & Ors.

... Petitioners

Mr. Amanul Islam

.. for the petitioners

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Advocate for the petitioners submits that the present petitioners have been falsely implicated because of the previous rivalry and their custodial detention may not be warranted owing to the allegations made in the First Information Report.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that the injury report which reflects the sufferance of the victim and the statement of the injured would reflect the complicity of the present petitioners.

We have considered the statement of the witnesses as also the injury report so available in the case diary. We are not happy with

the conduct of the present petitioners but considering the case as a whole we are of the opinion that the custodial detention of the petitioners may not be required in the facts and circumstances of the case.

The prayer for anticipatory bail is allowed.

Accordingly, the petitioners are directed to surrender before the ACJM, Nabadwip within four weeks from date.

Learned ACJM Nabadwip on surrender would consider the application for bail of the petitioners in the background of Section 437 of the Code of Criminal Procedure without being impressed by any observation made in this order.

The petitioners would meet with the Officer-in-Charge of Nabadwip Police Station once in a week until further orders and any attempt by the petitioners for intimidating the witnesses or obstruction in the process of collection of evidence by the investigating agency would empower the Learned ACJM, Nabadwip to cancel the bail without any further reference to this Court.

With these observations, CRM 7283 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)