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09.10.2020
Ct. 23
SK/NB

**C.R.M. 7356 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 Pandua Police Station Case No. 183 of 2020 dated 07.07.2020 under Sections 448/380/383/384/347 of the Indian Penal Code, 1860.

And

In the matter of : Sekh Abdur Rasid & Ors. Petitioners

Sk. Mujibar Rahman for the Petitioners

Mr. Bidyut Kr. Roy,
Ms. Rita Dutta ...for the State.

Mr. Sudip Ghosch Chowdhury ... for the de facto complainant.

The petitioners undertake to affirm and 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.

Learned counsel for the petitioners submit that they have been falsely implicated in this matter. The complaint is an outcome of a civil dispute between the parties. It is further stated that a civil case is pending since 2019.

Learned counsel for the State opposes the prayer for anticipatory bail. Reliance has been placed on the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure implicating the petitioners.

Learned counsel for the de facto complainant submits that the petitioners are extortionists and no civil case between the parties is pending.

Having considered the materials on record and the statement of the neighbours and the extent of complicity of the petitioners in the commission of the offence, we feel that their custodial interrogation is not necessary. Accordingly, the application for anticipatory bail is allowed.

In the event of arrest, the petitioners be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) each together with two sureties of like amount each, one of whom must be local to the satisfaction of the investigating officer of the case and on condition that the petitioners shall not enter the jurisdiction of Pandua Police Station except only for the purpose to meet the investigating officer and attending the Court proceedings and they shall provide their present address to the investigating officer and the court below.

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

CRM 7356 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Soumen Sen, J.)

(Saugata Bhattacharyya , J.)

