

November 05, 2020.
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Item No.54/DL
Ct. No.08

C.R.M. No. 8835 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Kotwali P.S. Case No.425 of 2020 dated 01.07.2020 under sections 447/376/511/325/379/34 of the Indian Penal Code.

And

In the matter of: Jiyarul Sk. @ Kalu & Anr.
...Petitioners.

Mr. Jisan Iqubal Hossain ...for the petitioners.

Mr. Swapan Banerjee
Mrs. Sima Biswas ...for the State.

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

Learned advocate for the petitioners submits that the petitioners have been implicated pursuant to a complaint lodged at the instance of the de facto complainant, Julu Sk. He further submits that the nature of the allegation may not warrant any custodial detention of the present petitioners.

Mr. Swapan Banerjee, learned advocate appearing on behalf of the State, draws our attention to the injury report in the Case Diary as well as the statements of other witnesses.

We have perused the materials available in the Case Diary and on perusal of the same we are of the opinion that the custodial detention of the present petitioners may not be warranted in the facts and circumstances of the case. Accordingly, prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, i) Jiyarul Sk @ Kalu and ii) Afroja Bibi @ Afroja Sk shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer/Investigating Officer of the case and on condition that they shall not tamper with the evidence and/or intimidate the witnesses.

The aforesaid order would be subject to the provisions as laid down under Section 438(2) CrPC.

With the aforesaid observations, CRM 8835 of 2020 is disposed of.

Parties are to act on a website copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

[Ashis Kumar Chakraborty, J]