

17.12.2020
Court No.28
SL No.76
AP

CRM 8836 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nalhati** P.S. Case No.**141/2020** dated **10.08.2020** under Sections **143/341/325/326/307/186/332/333/353/489(C)** of the Indian Penal Code read with Sections **25(1)(a)/27** of the Arms Act.

And

In the matter of: **Habib Sekh @ Habib Sk & Ors.**

....Petitioners.

Mr. Bitasok Banerjee,
Mr. Bibaswan Bhattacharjee,
Mr. Biswajit Mitra

...for the Petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Aniket Mitra

...for the State.

It is submitted on behalf of the petitioners that father of the petitioner No.1 made complaints with regard to the misdeeds of former upo-pradhan. As a result the said petitioner and his associates are being harassed by false implication in one case after another.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the witnesses show the presence of the petitioners, except petitioner No.4, in the unlawful assembly and assaulted police personnel who are discharging their official duty.

We have considered the materials on record. Statements of witnesses show prima facie role of the petitioners except petitioner No.4 in assaulting police personnel. No injuries are noted in the medical papers. In view of the aforesaid dichotomy between ocular version vis a vis medical evidence likelihood of false implication owing to prior enmity cannot be ruled out. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)