

01.12.2020.
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as
(Allowed).

C.R.M. 8937 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj P.S. Case No.194 of 2020 dated 02.07.2020 under Sections 302/201/120B of the Indian Penal Court.

In the matter of : Miya Mobaruddin @ Mobaruddin Mia
& Ors.

... Petitioners.

Ms. Madhushri Dutta.

...for the Petitioners.

Mr. Aditi Sankar Chakraborty,
Mr. Nilay Chakraborty,
Mr. Sourav Ganguly.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioners submit that they are not the principal accused, who has already been arrested. They have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that complicity of the petitioners transpired from the statement of the principal accused.

We have considered the materials on record. The victim suffered death due to drowning. No internal and external injuries are noted in the post mortem report. That apart, complicity of the petitioners appears from the statement of the co-accused before a police officer.

In view of the aforesaid facts, we are of the opinion that custodial interrogation of the petitioners may not be necessary although they require to assist the investigation in accordance with law.

Accordingly, we direct that in the event of arrest the petitioners, viz., Miya Mobaruddin @ Mobaruddin Mia, Jyotsna Bibi and Jahirul Islam shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they shall meet the Investigating Officer once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

All concerned 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.)