

04.12.2020
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Allowed

CRM 9709 of 2020
(via video conferencing)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 49 of 2020 dated 30.01.2020 under Sections 147/148/149/325/326/307/427/435 of the Indian Penal Code read with Sections 3/4 of the Explosive Substance Act read with Sections 25/27 of the Arms Act and subsequently charge-sheeted under Sections 147/148/149/325/326/307/286/34 of the Indian Penal Code read with Sections 27/35 of the Arms Act.

And

In the matter of: Bablu Sk. @ Golam Mostafa Sarkar & Anr.

.....Petitioners.

Mr. Mritunjoy Chatterjee
Md. Golam Nure Imrohi

...for the Petitioners.

Ms. Z. N. Khan
Mr. M.F.A. Begg

...for the State.

It is submitted by the learned Counsel appearing for the petitioners that they have been falsely implicated in the instant case due to prior rivalry. Petitioners had instituted criminal case against the defacto complainant and his family members for the murder of their relation.

It is submitted by the learned Counsel appearing for the State that the victim had been fired at by the petitioners and was hospitalised.

We have considered the materials on record. Petitioners do not appear to be the principal accused. Possibility of false implication owing to prior enmity cannot be wholly ruled out. In view of the facts and circumstances of the case, we are inclined in granting anticipatory bail to them.

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

The application for anticipatory bail is, thus, allowed.

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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)