

28.01.2021
Court No.28
rpan / 184

C.R.M. 356 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re : Majed Sekh & Others

....Petitioners.

Mr. Siddhartha Sarkar

....for the Petitioners.

Mr. Tanmoy Kumar Ghosh,

Ms. Sima Biswas

... for the State.

Mr. Kallol Kumar Basu,

Md. J. ul Firdous

... for the de facto / complainant.

Apprehending arrest in connection with Hasnabad P. S.
Case No. 796 of 2020 dated 09.11.2020 under Sections
447/341/323/325/307/427/506/34 of the Indian Penal Code,
the petitioners have filed the present application.

The learned advocate for the petitioners submits that
the petitioners have been falsely implicated in this case due to
previous rivalry over Government land, being allotted for
construction of a public library. It is the further submission of
the learned advocate that the petitioners are innocent and
they are ready to cooperate with the investigation and as
such, they may be granted the relief on any stringent
conditions.

The learned advocate for the State opposes the prayer and
draws the attention of this Court to the relevant statements of
the witnesses as also the medical report.

Mr. Basu, learned advocate appears for the *de facto* / complainant and submits that the complainant's husband suffered vision deficiency pursuant to the assault being inflicted upon him.

We have considered the materials in the case diary, assessed the injury report and on an overall assessment of the same, we are of the opinion that although offences may have been committed but custodial detention of the petitioners is unwarranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. 1. **Majed Sekh**, 2. **Manas Bera**, 3. **Nur Ali Sekh**, *alias* **Nyerababu**, 4. **Shankar Biswas**, 5. **Jakir Sekh**, 6. **Ajed Ali Sekh** and 7. **Madin Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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. The petitioners shall meet with the Investigating Officer of the case twice a week on and from 8th February, 2021 until further orders.

The application for anticipatory bail, being CRM 356 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)