

28.01.2021  
Item no.192  
Court No.28  
Avijit Mitra

C.R.M. 378 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Saktipur Police Station Case No.57 of 2020 dated 23.05.2020 under Sections 447/326/307/34 of the Indian Penal Code and under Sections 3/4 of the E.S. Act;

And

**In Re : Samsul Huda & Ors.**

.... petitioners

Md. Habibur Rahaman

....for the petitioner

Mr. N.P. Agarwala,

Ms. Subhasree Patel

..... for the State

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. There is no incriminating material on record against them. The co-accused persons have already been granted bail and in view thereof, custodial detention of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer.

*Prima facie* the records do not reveal any overt act attributable to the petitioner no.4. Considering the nature of allegations and the extent of complicity, we are of the opinion that custodial detention of the petitioner no.4 is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner no.4, Anech Seikh 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no.4 shall meet with the investigating officer once a week on and from 8<sup>th</sup> February, 2021, until further orders.

Considering the nature of allegations and the extent of complicity of the petitioner nos. 1, 2 and 3 in the alleged offence, we are not inclined to grant anticipatory bail to the said petitioners.

Accordingly, prayer for anticipatory bail of the petitioner nos. 1, 2 and 3 stands rejected.

The application being C.R.M. 378 of 2021 is disposed of.

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**