

10.02.2021

Item No.239

Ct.No.28

dc.

Allowed

C.R.M. 425 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Abdul Jabbar**

... Petitioner.

Mr. Sujoy Sarkar,
Mr. Arup Sarkar

... For the Petitioner.

Mr. Md. Anwar Hossain,
Ms. Ratna Ghosh

... For the State.

Apprehending arrest in connection with Harishchandrapur P.S. Case No. 934 of 2020 dated 26.12.2020 (G.R. No. 3090/2020) under Sections 448/325/308/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that there was a previous dispute between the petitioner and others with the *de facto* complainant. The incident which occurred was pertaining to a land dispute between the parties. The petitioner has been falsely implicated. No overt act has been attributed to the petitioner and in view thereof, custodial detention of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Abdul Jabbar** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 a further condition that the petitioner shall meet with the Investigating Officer once a week on and from 15th February, 2021 until further orders.

The application for anticipatory bail, being CRM 425 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)