

21.04.2021

Item No.229

Ct.No.28

dc.

Partly Allowed

C.R.M. 901 of 2021

(Via Video Conference)

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

And

In Re : **Badiruddin @ Montu & Ors.**

... Petitioners.

Mr. Sagar Saha

... For the Petitioners.

Mr. Rana Mukherjee,
Ms. Sujata Das

... For the State.

Apprehending arrest in connection with Ratua P.S. Case No. 478 of 2020 dated 24.10.2020 (G.R. Case No. 2428/2020) under Sections 341/326/308/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners are innocent. The allegations levelled against the petitioners are unfounded. No overt act has been attributed to the petitioners and in view thereof, custodial detention of the petitioners is not warranted.

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

Heard the learned advocates appearing for the respective parties. From the materials in the case diary, it appears that no overt act has been attributed to the petitioner nos. 2, 3 and 4. Considering the nature of allegations, we are of the opinion that custodial interrogation of the petitioner nos. 2, 3 and 4 is not warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail in respect of the petitioner Nos. 2, 3 and 4 and direct that in the event of arrest, the petitioner Nos. 2, 3 and 4, namely, **Munsur Ali, Monirul Islam @ Monirul @ Laga and Kutubuddin** respectively, shall 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 a further condition that the petitioner nos. 2, 3 and 4 shall meet with the Investigating Officer once a week on and from 3rd May, 2021 till submission of charge-sheet.

Considering the nature of allegations levelled against the petitioner no.1, namely, **Badiruddin @ Montu** and as it, *prima facie*, appears that an overt act has been attributed to the said petitioner, we are not inclined to exercise any discretion in his favour and accordingly, his prayer for anticipatory bail is **rejected**.

The application for anticipatory bail, being CRM 901 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.)