

24.05.2021

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***suman/
Srimanta***

Ct. 28

CRM 1233 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of:

**Sk. Nasiruddin @ Nasiruddin Sk. & Ors.
....Petitioners**

Mr. Sarwar Jahan
Mr. Anisur Rahman
...for the petitioner

Mr. Prasun Kumar Datta
Mr. S. S. Imam
Mr. Subrato Roy
...for the State

Apprehending arrest in connection with Beldanga Police Station Case No. 427 of 2020 dated 09.10.2020 under Sections 325/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Jahan, learned advocate appearing for the petitioners submits that there was a long standing dispute pertaining to a pathway amongst the parties. In the said dispute the petitioners have been falsely implicated. Pertaining to the self-same incident a complaint was lodged on behalf of the

petitioners herein and the same was treated as an F.I.R. and registered as Beldanga Police Station Case No. 428 of 2020 dated 09.10.2020.

He further submits that upon completion of investigation charge sheet has been filed and no overt act has been attributed to the petitioners. In view thereof, custodial interrogation is not necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the injury report and other documents.

Having heard the learned advocates and considering the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the **petitioners** namely **Sk. Nasiruddin @ Nasiruddin Sk., Jillaruddin Sk. @ Jilaraddin Sk., Injamul Hoque, Sabur Ali Sk. @ Subur Ali** shall be released on anticipatory 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 arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail being **CRM 1233 of 2021**, is disposed of.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)