

20.5.2021

CRM 1413 of 2021

Court No.28
Item No. 35

s.bhar

(Through Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 871 of 2020 dated 04.12.2020 under Sections 341/326/323/427/307/34 of the Indian Penal Code.

And

In the matter of : **Matiur Rahaman@ Motiur Rahaman & ors.**
...Petitioners

Mr. Sourav Mukherjee

...For the Petitioner.

Mr. S.S. Imam
Mr. S. Bhar

...For the State.

It is submitted on behalf of the petitioners that there is land dispute between the parties and case and counter case have been filed. Both the parties sustained injuries in the incident.

The state refers to the injury report and opposes the prayer for anticipatory bail.

Having considered the fact that charge-sheet has been submitted and in the light of the statements of the petitioners that a counter case is also pending between the parties relating to the self-same incident and also as no pre-meditation in the alleged assault appears from the materials available on the record, we are inclined to hold that custodial interrogation of the petitioners may not be required and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Matiur Rahaman @ Motiur Rahaman, Rahim Ali @ Md. Rahim Ali @ Rahim, Nawaj Sarif & Mamuni Khatun @ Mamani Parveen** shall be released on bail upon furnishing a bond of Rs. 10000/- 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.

With the aforesaid observation, the application for anticipatory bail, being CRM 1413 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.

(Suvra Ghosh, J)

(Soumen Sen, J)