

20.5.2021

CRM 1414 of 2021

Court No.28
Item No. 36

s.bhar

(Through Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chachal Police Station Case No. 988 of 2019 dated 18.11.2019 under Sections 341/324/325/307/34 of the Indian Penal Code.

And

In the matter of : **Majed @ Majed Ali & ors.**

...Petitioners

Mr. Arup Sarkar

...For the Petitioner.

Mr. N.P. Agarwal

Mr. Ashok Das

...For the State.

The learned counsel for the petitioner submitted that the petitioners have been falsely implicated and this was outcome of the orders passed by this court in relation to the some of the other applicants who were granted anticipatory bail in CRM 7600 of 2019 dated 2nd September, 2019 arising out of the same incident.

The application for anticipatory bail of some of the other accused in relation to a false complaint was lodged subsequently with the self same allegations just to harass the petitioners. It is further submitted that the petitioner no. 1 was arrested and subsequently released on bail by the trial court.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that there are incriminating materials available against the present petitioners. In view of the fact that petitioner no. 1 is already on bail, the application of the petitioner no. 1 for anticipatory bail has now become infructuous and is not pressed. Insofar as the other petitioners are concerned, the matter is taken up for consideration.

Considering the materials made available before us and as the

injuries are not life-threatening and also as charge sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not required and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, namely, Latif @ Khatibuddin and Jaigun Bibi 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 1414 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)