

28.05.2021
Court No.28
Item No. 58
CP

CRM 1739 of 2021
(via video conference)

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure;

And

In Re : **Jaber Ali Sk & anr.**

Petitioners

Mr. Sarwar Jahan
Mr. Anisur Rahman

For the Petitioners

Mr. Rana Mukherjee
Mr. Narayan Prasad Agarwal
Mr. Ashok Das

For the State

Apprehending arrest in connection with Saktipur Police
Station Case No. 60 of 2020 dated 26.05.2020 under sections
341/325/307/506/34 of the Indian Penal Code, the present
application has been preferred.

Mr. Jahan, learned advocate for the petitioners, submits that
there was previous animosity between the parties and the
petitioners have been falsely implicated in the alleged incident. No
overt act has been attributed to the petitioners. The allegations are
omnibus in nature. Upon completion of investigation charge-sheet
has also been submitted. He further submits that co-accused
persons similarly situated with the petitioners have already been
granted anticipatory bail. In the said conspectus, custodial
interrogation of the petitioners is not warranted.

Mr. Mukherjee, learned advocate appearing for the State,
opposes the petitioners' 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 injury report and the fact that co-accused persons similarly situated with the petitioners have already been granted anticipatory bail, we are of the opinion that the custodial detention of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Jaber Ali Sk** and **Babar Ali @ Md Babar Ali** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

It is further directed that the petitioners shall appear before the learned court below on the dates specified for hearing.

The application for anticipatory bail, being CRM No. 1739 of 2021 is, thus, allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)