

26.08.2021

Court No.28
Item No.281
(Allowed)

Akd
&
As

CRM 1969 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bhagwangola Police Station Case No. 527 of 2020 dated 04.11.2020 under Sections 448/325/326/307/34 of the Indian Penal Code;

And

In the matter of : **Takbir Sk @ Md. Takbir Hasan & Anr.**
...Petitioners

Mr. Ali Ahsan Alamgir,
Ms. Rabin Khatoon.

...For the Petitioners

Ms. Sukanya Bhattacharya,
Mr. Nirupam Dhali.

...For the State.

Apprehending arrest in connection with Bhagwangola Police Station Case No. 527 of 2020 dated 04.11.2020 under Sections 448/325/326/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted on behalf of the petitioners that the principal accused has already been granted bail by the Court below. The petitioners are the brother and father of the principal accused respectively.

Learned Public Prosecution-in-Charge has opposed the prayer for anticipatory bail on the ground of nature of injury inflicted upon the victim and drew our attention to the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

We have carefully perused the case diary. It is ascertained that one Makbul Sk. is the principal accused, who has been granted bail on 4th January, 2021 by the Court below. The specific role of the petitioners have not been ascertained from the case diary; they only accompanied Makbul Sk. Moreover the charge sheet has already been filed. Therefore, they are entitled to the benefit of Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest, the petitioners shall be

released on 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 the arresting officer of the concerned police station subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioners shall make themselves available on each day of listing of the matter before the Court.

In default of any condition as aforesaid, the Trial Court shall be at liberty to disentitle them to the privilege of pre-arrest bail granted by this Court without further reference to this Court.

The application for anticipatory bail, being CRM 1969 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)