

23.09.2021

CRM 2224 of 2021

Court No.28
Item No.156
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 25.02.2021 in connection with Mogra Police Station Case No. 146 of 2020 dated 14.06.2020 under Sections 341/323/325/307/354B/34 of the Indian Penal Code;

And

In the matter of : **Amal Das and others.**

...Petitioners

Mr. Jyoti Prakash Chatterjee.

...For the Petitioners

Mr. Rudradipta Nandy.

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Mogra Police Station Case No. 146 of 2020 dated 14.06.2020 under Sections 341/323/325/307/354B/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioners that the defacto complainant is the elder brother of the petitioner nos. 1 and 2. A long-standing dispute over the user of joint family property is going on between the parties.

Learned Public Prosecutor in-Charge has raised objection against the prayer for anticipatory bail.

We have carefully perused the case diary. We do not find sufficient ingredients of offence under Section 307 of the Indian Penal Code, far less to speak about the offence under Section 354B

of the Indian Penal Code.

For the reasons stated above, we are of the view that the petitioners are entitled to the benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, we direct that 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 learned Chief Judicial Magistrate, Hooghly and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2224 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)