

26.08.2021

CRM 2338 of 2021

Court No.28
Item No.291
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 02.03.2021 in connection with Chanchal Police Station Case No. 1069 of 2020 dated 13.11.2020 under Sections 341/376/511/323/324/325/307/34 of the Indian Penal Code;

And

In the matter of : **Ajimuddin @ Sekh Ajimuddin and others.**
...Petitioners

Mr. Soupal Chatterjee,
Ms. Paramita Banerjee.

...For the Petitioners

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.

... 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 Chanchal Police Station Case No. 1069 of 2020 dated 13.11.2020 under Sections 341/376/511/323/324/325/307/34 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 entire allegations were made against one Mukul Ali and the present petitioners are not the perpetrators of any offence as alleged. Moreover, there is a long-standing civil dispute between the parties, so the petitioners were falsely implicated and, accordingly, they may be granted benefit of anticipatory bail.

Learned Public Prosecutor in-Charge has vehemently opposed the prayer for anticipatory bail on the ground that all the petitioners

are named in the First Information Report.

We have carefully perused the case diary. We do not find any material in support of the offence under Section 307 of the Indian Penal Code. All other allegations relating to assault are bailable in nature. Moreover, the allegation under Sections 376/511 has been attributed to Mukul Ali and not the present petitioners.

Therefore, we are of the view that the petitioners are entitled to anticipatory bail.

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 arresting officer 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.

CRM 2338 of 2021 is, thus, **allowed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)