

15.09.2021
Item no.47
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 2492 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Ratua Police Station Case No. 178 of 2020 dated 02.04.2020 under Sections 505(2)/120(B)/182/108/34 of the Indian Penal Code.

And

In the matter of : Abdul Halim & Another.

.....Petitioners.

Mr. Arup Sarkar, Advocate,

.....for the Petitioners.

Mr. P.K. Datta, Ld. A.P.P.,

Mr. Santanu Deb Roy, Advocate,

.....for the State.

The petitioners say that this is a politically motivated complaint. The police went to the locality where the petitioners reside to conduct some investigation. The people of the locality including the petitioners raised queries as to why the police were there. This has prompted the police to lodge a suo motu complaint alleging obstructing the police in discharging public duty.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the

Code of Criminal Procedure. There is no injury report. The material on record is such that we are of the opinion that although charge-sheet is yet to be submitted, immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners namely **Abdul Halim and Morina Bibi @ Marjina @ Marina Bibi @ Marjina Bibi** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2492 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)