

06.08.2021  
Item no. 60  
Court No.32.  
S.De  
(allowed)

**(Via Video Conference)**

**CRM No. 2501 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 Nakashipara Police Station Case No. 201 of 2020 dated 24.04.2020 under Sections 447/307/34 of the Indian Penal Code and Sections 25 and 26 of the Arms Act.

And

**In the matter of : Saifur Rahaman Sekh @ Saiful**

**Ghatak & Ors.**

.....Petitioners.

Mr. Sumanta Das, Advocate,

.....for the Petitioners.

Mr. Rana Mukherjee, APP,

Mr. Rudradipto Nandy, Advocate,

...for the State.

The petitioners are accused of offences punishable under Sections 447, 307, 34 of the Indian Penal Code read with Sections 25 and 26 of the Arms Act.

The prosecution says that, the petitioners along with other accused persons trespassed into the property of the complainant and tried to grab the property. Upon being resisted, they shot at the complainant who suffered serious injury and had to be hospitalized.

The petitioners say that they are the owners of the property in question and the allegation against them is incorrect.

We have seen the material in the case diary including statements of witnesses recorded under Section 161 of the Code of Criminal Procedure and the statement of the victim/complainant. We have also seen the injury reports. Charge sheet has been filed.

On an over all assessment of the facts and circumstances of the case and the material on record, we are of the view that the petitioners' prayer may be 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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders; and on further conditions that the petitioners shall stay outside the jurisdiction of Nakashipara Police Station until further orders of the learned Trial Court and shall also intimate to the learned Trial Court the address/addresses where they shall henceforth be residing.

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 2501 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.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**