

17.09.2021
Item no.38.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2550 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 9.3.2021 in connection with Jhalda Police Station Case No.154 of 2020 Dated 04.12.2020 under Sections 447/436/427/506/34 of the Indian Penal Code

And

In the matter of : Harekrishna Mahato & Anr.

.....Petitioners.

Mr. Sourav Chatterjee,
Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nisar,
Mr. Shantanu Setu,
Ms. Ankita Deyfor the Petitioners.

Ms. Sukanya Bhattacharya,
Mr. Pratick Bosefor the State.

The petitioners say that two civil suits pertaining to disputes regarding land are pending between the petitioners and the family of the defacto complainant. The petitioners are enjoying an order of injunction in their suit. Being annoyed, the present false complaint has been lodged by the defacto complainant.

The allegation is that the petitioners set on fire the house of the defacto complainant.

We have seen the material in the case diary and the seizure list. On an overall assessment of the material on record, we are of the prima facie view that this is not a case where immediate custodial interrogation of the petitioners may be necessary. Further, we are told that charge sheet has been submitted.

Accordingly, in the event of arrest, the petitioners, namely Harekrishna Mahato and Fatu Mahato 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 C.R.M. No.2550 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.)

