

20.09.2021
Item no.38
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2787 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 17.03.2021 in connection with Ekbalpore Police Station Case No. 31 of 2021 dated 31.01.2021 under Sections 448/380/34 corresponding to Sections 371/21 of the Indian Penal Code.

And

In the matter of : Butto alias Md. Wasim & Another.

.....Petitioners.

Mr. Sataroop Purkayastha, Advocate,
Mr. Hamidur Rahaman, Advocate,
.....for the Petitioners.

Mr. P.K. Datta, Ld. A.P.P.,
Mr. S.B. Roy, Advocate,
.....for the State.

The petitioners say that they have been falsely implicated. The father of the de facto complainant who was a lawyer had his chamber in the house of the petitioners. The father died in 2017. The de facto complainant continued with possession of his father's chamber. The petitioners were repeatedly requesting him to vacate the premises. As a counter-blast, the present complaint has been filed. The police have found all the articles of the de facto complainant's father intact. The petitioners have responded to the notices issued under

Section 41A of the Code of Criminal Procedure and are co-operating with the Investigating Officer fully.

We have seen the material in the case diary. It is true that the petitioners are co-operating with the Investigating Officer.

On an over all assessment of the nature and gravity of the charge and given the helpful conduct of the petitioners, we are of the view that their immediate custodial interrogation is unnecessary so long as they continue to co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners namely **Butto alias Md. Wasim** and **Abul Hashim alias Md. Abul Hashim** 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 2787 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.)