

27.09.2021
Item no.34.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3058 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 26.3.2021 in connection with Ratua Police Station Case No.584 of 2020 Dated 05.12.2020 under Sections 448/324/325/308/506/34 of the Indian Penal Code

And

In the matter of : Sk. Amaluddin & Others

.....Petitioners.

Mr. Soupal Chatterjeefor the Petitioners.

Mr. Rana Mukherjee, Id. APP,
Ms. Sujata Das,
Ms. Debjani Sahufor the State.

It is submitted that the petitioner no.3 has already been taken into custody. Accordingly, the application is dismissed insofar as the petitioner no.3 is concerned.

The petitioners say that the incident arose out of a family dispute regarding undivided share in land. There was a free fight between two groups. One person belonging to the group of the petitioners in fact died in the incident. The present complainant might have suffered some injuries in the incident. There was no criminal intent on the part of the petitioners.

We have seen the statements of witnesses in the case diary. There does not appear to be direct implication of the petitioners in the alleged offence. It is possible that out of a civil

dispute, the incident took place. There is no statement of the injured victim in the case diary.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner nos.1, 2, 4 and 5 may not be necessary so long as they are prepared to cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.1, 2, 4 and 5, namely Sk. Amaluddin, Sk. Rejauddin, Sk. Asrabuddin and Sk. Rabiul @ Rabi 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 condition that the petitioner nos.1, 2, 4 and 5 shall meet the Investigating Officer once a week until further orders.

In case the petitioner nos.1, 2, 4 and 5 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.3058 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.)

