

06. 24.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3062 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/03/2021** in connection with **Nabagram Police Station Case No. 289 of 2020** dated **16/10/2020** under Sections **419/420/465/467/468/471/120B** of the Indian Penal Code.

And

In the matter of: - **Md. Mohibor Rahaman @ Md. Mohibur Rahaman & Anr.**

...petitioners.

Md. Kutubuddin

...for the petitioners.

Mr. Binay Panda,
Ms. Puspita Saha

...for the State.

The petitioner no.1 is the brother of the *de facto* complainant. The petitioner no.2 is the wife of the petitioner no.1.

The petitioners say that the dispute is of a purely civil nature concerning the joint property of the petitioner no.1 and his brother. A civil suit is pending. The petitioners say that they are ready to fully co-operate with the investigation.

On a consideration of the material in the Case Diary and the nature of the allegations, we are of the view that 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, *viz.*, **1. Md. Mohibor Rahaman @ Md. Mohibur Rahaman, 2. Rebika Sultana @ Rebeka Sultana** 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.

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 being C.R.M. 3062 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)