

04.06.2021
Court No.28
Rpan / **49**

C.R.M. 3354 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Masadul Sekh**

- Petitioner.

Ms. Riya Das

... for the petitioner.

Mr. Neguive Ahmed,

Md. Anwar Hossain,

Ms. Shreyashee Biswas

... for the State.

Apprehending arrest in connection with Murshidabad P.S. Case No.07 of 2021 dated 05.01.2021 under Sections 341/ 325/ 326/ 307/ 34 of the Indian Penal Code, the petitioner has filed the present application.

Ms. Das, learned advocate appearing for the petitioner, submits that there was a long-standing dispute between the parties and the petitioner has been falsely implicated in the alleged incident, which occurred in the month of January, 2021. Five co-accused persons have already been granted anticipatory bail by the learned sessions court. Upon completion of investigation, charge sheet has already been filed and as such, further custodial detention of the petitioner is not necessary.

Mr. Hossain, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the injury reports.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there had been a long-standing dispute between the parties; upon completion of investigation, charge sheet has already been filed. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention/interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Masadul Sekh** shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner shall meet with the Officer-in-Charge, Murshidabad Police Station once in a week on and from 9th June, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event he fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 3354 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)

