

15.11.2021
Serial no.58
S.De
Ct. No. 29

(Through Video Conference)

CRM 4382 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.06.2021 in connection with Panskura Police Station Case No. 254 of 2021 dated 10.06.2021 under Sections 147/149/447/436/427/379 of the Indian Penal Code.

-And-

In the matter of : **Sk. Mafijuddin & Others.**

... Petitioners

Mr. Amitava Karmakar, Advocate.

... ... For the Petitioners.

Mr. Ramasish Mukherjee, Advocate,

Sk. Mezamuddin, Advocate,

Mr. Rameswar Sinha, Advocate,

... ...For the de facto complainant,

Mr. Swapan Banerjee, Advocate,

Ms. Purnima Ghosh, Advocate,

..... for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The son of the petitioner no.1 was murdered. The petitioners were busy in taking the dead body of the deceased son of the petitioner no.1 at the material point of time.

Learned Advocate appearing for the State draws attention of the Court to the contents of the case diary.

Learned advocate appearing for the de facto complainant submits that immediately upon the de facto complainant being granted bail, the petitioners ransacked the house of the de facto complainant assaulted the de facto complainant and others and set the house on fire. The petitioners also looted the valuables of the de facto complainant.

Considering the material in the case diary and considering the fact that the petitioner no. 5 on being asked to take delivery of the dead-body of the son of the petitioner no.1 was apparently doing so at the time of the incident, and considering the fact that the son of the petitioner no.1 died, and considering the fact that the petitioner nos. 6, 7 and 10 are ladies, we grant anticipatory bail to the petitioner no.1 (Sk. Mafijuddin), petitioner no.5 (Sk. Khokan Ali), petitioner no.6 (Mamtaz Khatoon), petitioner no.7 (Munni Bibi @ Minu Bibi), and petitioner no.10 (Jamila Bibi).

In so far as petitioner no. 2 (Sk. Sabir Ali @ Sk. Sabiruddin), petitioner 3 (Sk. Kader Ali), petitioner no. 4 (Sk. Daud Ibrahim) and petitioner no. 8 (Rijaul Sk. @ Sk. Rijaul), petitioner no.9 (Sk. Najir @ Sk. Najir Ali) are concerned, we are unable to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1, 5, 6, 7 and 10 shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, 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 with a further condition that the petitioner nos. 1 and 5 shall meet the investigating officer once in a month and petitioner nos. 6, 7 and 10 shall co-operate with the investigation and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is allowed partly.

CRM 4382 of 2021_is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)