

22.09.2021
Item no.21.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5143 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Nabadwip Police Station Case No.181 of 2021 Dated 10.05.2021 under Sections 341/326/307/354/506/34 of the Indian Penal Code

And

In the matter of : Mahasin Sekh & Ors.

.....Petitioners.

Ms. Minoti Gomes,
Mr. Dhananjay Banerjeefor the Petitioners.

Mr. Ranabir Roy Choudhury,
Mr. Mainak Guptafor the State.

The petitioners say that they are co-sharers along with the complainant and his family members in respect of a property. Disputes arose regarding such property. There was a free fight between the members of the two families. Both the groups sustained injuries. The petitioners have also filed a criminal case against the complainant and his associates.

We have seen the allegations against the present petitioners in the statements of witnesses in the case diary. The allegations are general and omnibus in nature. The injury report does not reveal any serious injury.

On an overall assessment of the facts and circumstances of the case and the material on record, although charge sheet is yet to be submitted, we are of the view that custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Mahasin Sekh, Tanjila Bibi, Sekh Tachhlima Bibi, Md. Moktar Sk., Reyaj Hossain, Md. Ajmil Hossain Sekh, Abzel Sekh and Chand Hossain Sk. 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 C.R.M. No.5143 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.)

