

06.09.2021
Item no.26
Aloke
Ct. No.29

Through Video Conference

C.R.M. 5618 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Banshihari P.S. Case No.147 of 2021 dated 18.08.2021 under Sections 341/323/325/308/354/34 of the Indian Penal Code.

And

In the matter of : Moinul Haque
@ Moinul Haque Saheb & Ors.
... Petitioners

Mr. Himadri Kr. Mahata, Advocate
... for the petitioners
Mr. Anowar Hossain, Advocate
Ms. Ratna Ghosh, Advocate
... for the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the dispute was overlaying of a drainage pipeline. There are cases and counter cases filed by both sides.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure and also to the injury reports.

Considering the facts of the case and considering the injury reports as also the statement recorded under Section 161 of the Code of Criminal Procedure, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date. The petitioners shall meet the I.O. once in a week until further orders.

The application for anticipatory bail, is, thus allowed.

C.R.M. 5618 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)