

06.09.2021

Court No.29
Item No.38
(Allowed-In-
Part)

Saswata

IN THE HIGH COURT AT CALCUTTA

CRM 5697 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bharatpur Police Station Case No. 151 of 2021 dated 28.05.2021 under Sections 341/326/307/34 of the Indian Penal Cod and Sections 3/4/5 of E.S.Act;

And

In the matter of : **Anuwar Hossain & Ors.**

...Petitioners

Mr. Manas Kumar Das

...For the Petitioners

Mr. Soumik Ganguly

...For the State.

Eight (8) persons seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated in the criminal case. The dispute relates to a graveyard.

Learned advocate appearing for the State draws attention of the Court to the statements recorded under Section 161 of the Code of Criminal Procedure.

Considering that the statement recorded under Section 161 of the Code of Criminal Procedure records involvement of the petitioner nos. 1, 2, 3, 5 and 7 as the principal persons involved in the incident, we are not inclined to grant the prayer of anticipatory bail to such petitioners.

Accordingly, the prayer for anticipatory bail of the petitioner nos. 1, 2, 3, 5 and 7 is **rejected**.

However, we are inclined to grant anticipatory bail to the petitioner nos. 4, 6 and 8.

Accordingly, the prayer for anticipatory bail of the petitioner nos. 4, 6 and 8 is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioner nos. 4, 6 and 8 shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of whom

must be local, to the satisfaction of the arresting officer and the petitioners shall meet the Investigating Officer once in a week or until further orders and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM 5697 of 2021 is, thus, ***disposed of.***

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)