

07.09.2021

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Ct. No. 29

sdas

Allowed

**C.R.M. 5731 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Patashpur Police Station Case No. 285 of 2020 dated 28.07.2020 under Sections 498A/304(B)/34 of the Indian Penal Code.

And

In Re : Krishna Bera @ Tunki petitioner

Mr. Jayanta Narayan Chatterjee

Sk. Sahjahan Ali

Ms. Nandini Chatterjee

Mr. Nazir Ahmed

Ms. Jayashree Patra

.....for the petitioner

Mr. S. G. Mukherjee, learned P.P.

Ms. Sayanti Santra

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is falsely implicated in the instant case. He further submits that the police submitted charge-sheet. Therefore, there is no requirement for custodial interrogation of the petitioner. Moreover, there are two children of the petitioner which the petitioner needs to look after.

Learned advocate appearing for the State draws attention of the Court to the statement made by the neighbours and the

relatives of the deceased implicating the petitioner in the instant case.

Considering the facts and circumstances of the case and the fact that charge-sheet was submitted by the police, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.
And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

