

10.12.2021
Court No.32
Item No. 192
Krishnendu
Allowed (SM,J)

**C.R.M. 6067 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Ratua Police Station Case No. 282 of 2021 dated 12.06.2021 under sections 147/148/149/436/506 of the Indian Penal Code ;

And

In re: **Sk. Abauddin & Ors.**

Petitioners

Ms. Minoti Gomes

Mrs. Rupanwita Lahiri (Pandit)

For the Petitioners

Mr. Binay Panda

Mr. Subham Bhakat

For the State

Apprehending arrest the instant application under section 438 of Code of Criminal Procedure is filed by the present petitioners, praying for anticipatory bail.

Learned lawyer for the petitioners, Ms. Minoti Gomes, submitted that some of the accused persons were allowed anticipatory bail by a Co-ordinate Bench in CRM 6064 of 2021. The present petitioners are similarly situated. Therefore, and also considering the fact that the present petitioners are falsely implicated, anticipatory bail may be allowed.

Per contra, the learned lawyer representing the State, Mr. Subham Bhakat, submitted that there are incriminating elements and that the names of the

present petitioners have transpired from the statements of the witnesses recorded under section 161 of the Code of Criminal Procedure. Accordingly, he opposed the grant of anticipatory bail.

We have heard rival submissions and perused the case diary. Although it is alleged that house was burnt, no burnt articles are seized. We have also perused the statements of the witnesses and other materials as well as the order passed in CRM 6064 of 2021 dated 20.09.2021. On perusal of case diary, we are of the considered opinion that this is a fit case where we can exercise our discretion.

Accordingly, the prayer for anticipatory bail is allowed and we direct that in the event of arrest the petitioners shall be released on bail on 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further direction that they will not leave the jurisdiction of Ratua Police Station , except with the permission of the Investigating Officer till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6067 of 2021 , is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)