

10.12.2021
Court No.32
Item No. 196
Krishnendu
Allowed

**C.R.M. 6120 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Doud Ali @ Daud Ali & Anr.**

Petitioners

Mr. Sourav Mukherjee

For the Petitioners

Mr. Partha Pratim Das

Mrs. Manasi Roy

For the State

Apprehending arrest in connection with Ratua Police Station Case No. 371 of 2019 dated 21.07.2019 under Sections 448/376/511/506/308/379/109 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that there is a subsisting dispute between the family members and the petitioners have been falsely implicated. The allegations are omnibus in nature and in the said conspectus, custodial interrogation of the petitioners is not warranted.

Mr. Das, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there are contradictions in the statements of the witnesses , as recorded under section 161 of the Code of Criminal Procedure. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary, more so when, we do not find that there is any likelihood that the petitioners would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, **Doud Ali @ Daud Ali and Muntaj Ali @ Mantaj Ali @ Montaj**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further direction that the petitioners shall co-operate with the investigation and meet with the Investigating Officer, as and when called for .

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6120 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)

