

CRM 7541 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sekh Addul Motleb alias Abdul Matleb**
Sekh & Ors.

..... petitioners

Mr. Nonigopal Chakraborty

.....For the petitioners

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

.....For the State

Apprehending arrest in connection with Ghatal Police Station Case No. 128 of 2020 dated 3rd May, 2020 under Sections 447/341/323/325/307/354/506 and 34 of the Indian Penal Code, the present application has been preferred.

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

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to statements of the witnesses and the injury report.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of injuries, the accusations and the extent of

complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Sk Abdul Motleb alias Abdul Matleb Sekh, Sk. Hannan alias Sk Abdul Hannan** and **Sk Rizuan** 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, 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 with further condition that the petitioners shall meet with the Investigating Officer once a week on and from 29th December, 2021 till investigation is over and with further condition that the petitioner shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7541 of 2021, is, thus, 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.)