

CRM No.7640 of 2021

**Via video conference**

23.12.21

(S.R.)

Sl.234

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Pursurah** Police Station Case No.103 of 2021 dated 25/07/2021 under Sections 447/323/325/326/307/354B/506/34 of the Indian Penal Code;

And

**In re: Habib Mallick & Ors.**

**... petitioners.**

Mr. Dhananjay Banerjee

Mr. Tanmoy Khan

Mr. Palash Bapari

... for the petitioners.

Ms. Anasuya Sinha

Mr. P. Kumar Mitra

...for the State.

Mr. Banerjee, learned advocate appearing for the petitioners submits that there was a dispute between the parties pertaining to a plot of land and the petitioners have been falsely implicated. The allegations are *omnibus* in nature and upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Ms. Sinha, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses and the injury reports.

Heard the learned advocates and considered the materials in the case diary.

*Prima facie*, we find that no overt act has been attributed to the petitioner nos.4, 5, 6, 9 and 10. It also does not appear that the said persons would flee from justice or delay the trial by abscondence. Accordingly, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **4. Safikul Mallick, 5. Asmina Begum, 6. Ansur Begum, 9. Sk. Jamal @ Sk. Nure Jamal and 10. Beauty Begum** will 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioners 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.

However, we find strong incriminating materials on record against the petitioner nos.1, 2, 3, 7 and 8, namely, **1. Habib Mallick, 2. Sk Musha @ Sk Mosarak Ali, 3. Babulal Mallick, 7. Sk. Ketabul and 8. Sk. Monirul** and in view thereof, we are not inclined to exercise any discretion in their favour.

The application for anticipatory bail being CRM No.7640 of 2021 is, accordingly, partly allowed.

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.)**