

11.02.2021
Court No.28
Item No. 121
Krishnendu
Partly Allowed

C.R.M. 8031 of 2020

(Via video Conference)

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

And

In re: **Machhu Ali & Ors.**

.....Petitioners

Mr. Soupal Chatterjee

....For the Petitioners

Mr. Saibal Bapuli, Id. A.P.P.

Mrs. Sayanti Santra

.....For the State

Apprehending arrest in connection with Chanchal Police Station Case No. 505 of 2020 dated 21.06.2020 under sections 342/323/325/307/34 of the Indian Penal Code, the petitioners have filed the present application.

As the petitioners nos. 1, 2, 3 and 5, namely, **Machhu Ali, Anij Ali, Khoshdil Ali and Sahed Ali @ Sayed Ali**, have already been arrested, the anticipatory bail application pertaining to them has become infructuous and is, accordingly, dismissed.

The learned advocate for the petitioner nos.4 and 6 submits that the petitioner nos.4 and 6 have been falsely implicated. No overt act has been attributed to the petitioner nos.4 and 6. Upon completion of investigation, charge-sheet has also been filed and as such, custodial detention of the petitioner nos. 4 and 6 is not warranted.

Mr. Bapuli, learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioner nos.4

and 6 and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner nos.4 and 6 in the alleged offence, we are of the opinion that custodial detention of the petitioner nos.4 and 6 is not necessary.

Accordingly, we allow the application of the petitioner nos. 4 and 6 and direct that in the event of arrest the petitioner nos. 4 and 6, namely, **Muktara Bibi @ Muktara Khatun** and **Saberul Ali**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 8031 of 2020, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata