

23.02.2021

Item No.130

Ct.No.28

dc.

Allowed

C.R.M. 8398 of 2020

(Via Video Conference)

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

And

In Re : **Sanjib Kr Joyaddar @ Sanjib Kumar Joardar & Ors.**

... Petitioners.

Mr. Sourav Chatterjee,
Mr. Salman Hasan

... For the Petitioners.

Mr. Binay Panda,
Ms. Puspita Saha

... For the State.

Apprehending arrest in connection with Habibpur P.S. Case No. 310 of 2020 dated 13.09.2020 (G.R. Case No. 3988 of 2020) under Sections 447/379/468/471/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that there is a subsisting dispute as regards an undivided property amongst the parties. Such dispute is under adjudication in a partition suit which has been filed in the month of February 2018. He further submits that the petitioners have complied with the notices under Section 41A of the Code as issued. The allegations

levelled against the petitioners do not stand supported with appropriate materials and as such, custodial interrogation of the petitioners is not necessary.

Let the supplementary affidavit, as filed, be kept on record.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the fact that a partition suit is pending amongst the parties, we are of the opinion that custodial interrogation of the petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Sanjib Kr Joyaddar @ Sanjib Kumar Joardar**, 2. **Subrata @ Debashish Joyaddar @ Debashis Joardar**, 3. **Biswajit Roy**, 4. **Nitai Barman**, 5. **Joydev Roy @ Jaydeb Roy**, 6. **Ujjal Pal @ Ujjwal Pal**, 7. **Krishnapada Roy** and 8. **Swapan Choudhury** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 8398 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.)

(Tapabrata Chakraborty, J.)