

18.02.2021

Item No.142

Ct.No.28

dc.

Allowed

C.R.M. 8422 of 2020

(Via Video Conference)

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

And

In Re : **Jiyaruddin Sekh & Anr.**

... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the Petitioners.

Mr. M. F. A. Begg

... For the State.

Apprehending arrest in connection with Margram P.S. Case No. 68 of 2020 dated 11.05.2020 (G.R. No. 463/2020) under Sections 448/376/323/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. Upon completion of investigation, charge-sheet has also been filed. In view thereof, custodial detention of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim lady recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the statement of the victim lady recorded under Section 164 of the Code and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial detention 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. **Jiyaruddin Sekh** and 2. **Alimuddin Sekh alias Septu Sekh** 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 8422 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.)