

25.02.2021
Item No.29
Ct.No.28
Subha
Partly allowed

C.R.M. 10396 of 2020
(Via Video Conference)

In Re : An Application for anticipatory bail filed on 10-12-2020 under Section 438 of the Code of Criminal Procedure.

And

In the matter of : **Seikh Murshed @ Murshed Sk. & Anr.**
.....petitioners.

Mr. Minoti Gomes
Mr. Jishan Iqbal Hossain

... For the petitioners.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... For the State.

Apprehending arrest in connection with Kandi Police Station Case No. 219 of 2020 dated 25-05-2020 under Sections 341/186/332/333/353/506/224/225/34 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that she is not *pressing* the application on behalf of *petitioner no.2*. As such, the *application* for *anticipatory bail* of the *petitioner no.2*, Alep Sk. @ Sekh is dismissed as not pressed.

Learned advocate for the petitioners further submits that that the petitioner no. 1 is a villager who has been falsely implicated in the instant case and is ready to co-operate with the proceedings of the case.

Mr. Mukherjee, learned advocate appearing for the State submits that the charge-sheet has already been submitted in the instant case and there are materials from which it is reflected that the police authorities were assaulted.

We have perused the materials on record available in the case diary. However, having regard to the fact that the investigation has already been concluded and charge-sheet has been submitted against the petitioner no.1 along with others, we are of the opinion that custodial detention of the petitioner no. 1 is not warranted in the facts and circumstances of the case.

As such, the anticipatory bail of the application of the petitioner no.1 is allowed.

Accordingly, we *allow* the application for *anticipatory bail of petitioner no.1* and direct that in the event of arrest, the **petitioner no. 1, namely, Seikh Murshed @ Murshed Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

This order of anticipatory bail will remain in force for a period of two weeks. .

Memo of evidence as submitted by the learned advocate appearing for the State be kept with the record.

The application for anticipatory bail, being CRM 10396 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.)