

02.03.2021

Ct.No.28

rpan /147

C.R.M. 10730 of 2020

(Via video Conference)

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

And

In Re : **Tufan Ali @ Mano & Others**

....Petitioners.

Mr. Soupal Chatterjee

... For the Petitioners.

Mr. Bidyut Kumar Roy,

Ms. Rita Datta

... For the State.

Apprehending arrest in connection with Chanchal P. S. Case No.656 of 2020 dated 07.08.2020 under Sections 448/376/506/109 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The daughter of the petitioner no.1 had also lodged a complaint against the *de facto* complainant in the present case and the same has been registered as Chanchal Police Station Case no.578 of 2020 dated 16th July, 2020. There had, thus, been a subsisting dispute between the two families. In the said conspectus, custodial interrogation of the petitioners is not necessary.

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 nature of allegations and as there is a continuing dispute between the two families, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. **1. Tufan Ali @ Mano, 2. Badal Ali, 3. Joymal @ Jamiluddin and 4. Misbaul Hoque Islam @ Mithu @ Mishbahul Islam** shall be released on bail upon furnishing a bond of `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 and a further condition that the petitioners shall meet with the Investigating Officer of the case as and when called for until further orders.

The application for anticipatory bail, being CRM 10730 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.)