

04.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Harishchandrapur**
Sl.50 Police Station Case **No.416 of 2020** dated **07.07.2020** under Sections
Ct.28 **341/324/325/326/307/354/34** of the Indian Penal Code (G.R. Case
No.1318 of 2020);

And

In re: Taleb Ali @ Abu Taleb & Ors.

... petitioners.

Mr. Sujoy Sarkar

... for the petitioners.

Ms. Sukanya Bhattacharya

Md. Kutubuddin

...for the State.

The learned advocate appearing for the petitioners submits that there was a previous dispute pertaining to a land amongst the family members of the petitioners and the *de facto* complainant. The petitioners have been falsely implicated in the alleged offence. Upon completion of investigation charge sheet has also been filed and as such, custodial interrogation of the petitioners is not necessary.

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

Having heard the learned advocates and considering the nature of allegations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Taleb Ali @ Abu Taleb, Ashik Elahi @ Ashik, Jahir @ Abu Jahir @ Jaher, Md. Liakat Ali @ Yeakat Ali, Sarafat Ali, Abdus Samad @ Abdul Samad @ Adus Samad and Md. Sudhu Ali @ Md.**

Arafat 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.

Accordingly, the application for anticipatory bail being CRM No.10812 of 2020, is allowed.

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.)