

26.03.2021
Court No.28
rpan /32

C.R.M. 10872 of 2020
(Via Video Conference)

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

And

In Re : **Sk. Rejabul @ Sk. Rajaul Karim & Another**
- Petitioners.

Mr. Ramashis Mukherjee,
Mr. Sk. Nezamuddin
... for the petitioners.
Mr. Abhra Mukherjee,
Mr. Gautam Banerjee
... for the State.

Apprehending arrest in connection with Pingla P.S. Case
No.285 of 2020 dated 15.09.2020 under Sections
448/323/325/307/354B/341/379/506/34 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 in a dispute
which cropped up regarding a *Kadam* tree. There is no
incriminating material against the petitioners in the records and
furthermore, four accused persons, similarly situated with the
petitioners, have already been granted anticipatory bail and in the
said conspectus, custodial detention of the petitioners is not
warranted.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioners in the alleged offence and since four accused persons who are similarly situated with the petitioners, have already been granted anticipatory bail, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of this case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Sk. Rejabul @ Sk. Rajaul Karim** and **Sk. Ramij Raja @ Sk. Saheb** 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.

The application for anticipatory bail, being CRM No.10872 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.)