

Via vide conference

11.03.21

(S.R.)

Sl.34

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case **No.541 of 2020** dated **18.09.2020** under Sections **341/326/307/34** of the Indian Penal Code;

And

In re: Monirul Sk @ Moni Sk. & Ors.

... petitioners.

Mr. Arnab Chatterjee

... for the petitioners.

Mr. S.S. Imam

Mr. S. Kundu

...for the State.

The learned advocate appearing for the petitioners submits that there had been a private dispute between the petitioners and the family of the *de facto* complainant. The petitioners have been falsely implicated. The allegations are omnibus in nature and in view thereof, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State draws our attention to the statement of the injured, as recorded under Section 161 of the Code. He further submits that two accused persons have already been arrested and investigation is still in progress.

Having heard the learned advocates and considering the materials in the case diary, the statement of the witness, as recorded under Section 161 of the Code, we, *prima facie*, find that no overt act has been attributed to the petitioner nos.1 and 3 and as such, we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Monirul Sk @ Moni Sk. and 3. Chandu Bewa** 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 and on a further condition that the petitioner no.1 shall meet the investigating officer once in a week on and from 20th March, 2021 until further orders.

However, the materials in the case diary disclose the direct involvement of the petitioner no.2 in the alleged offence. In view thereof, we are of the opinion that the petitioner no.2 is not entitled to the privilege of anticipatory bail. As such, prayer for anticipatory bail of the petitioner no.2 is refused.

Accordingly, the application for anticipatory bail being CRM No.10893 of 2020 is partly 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.)