

26-03-2021
Item no.41
Subrata

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.10960 of 2020
Sk. Firoj Ali & Ors.
-vs-
The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC**

Mr. Kaushik Chaudhury
Ms. Busea Khatun ...for the petitioners

Mr. Abhra Mukherjee
Mr. Gautam Banerjee ... for the State

Apprehending arrest in connection with Gangarampur P.S. Case No.408 of 2020 dated November 19, 2020 under sections 447/325/326/354/506/34 IPC, the present section 438 CrPC application has been preferred.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in the instant case over a previous rivalry, and that they are innocent of charges. Additionally he submits that the petitioners may be granted privilege of anticipatory bail.

Learned advocate for the State opposes the petitioners' prayer and submits that there are statements which show the role of the petitioners in the alleged offences.

We have perused the materials on record, including the injuries sustained by the victim.

Having regard to the materials available we are of the opinion that the custodial detention of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners – namely **Sk. Firoj Ali, Sayed Naisul Ali Sha Fakir, Syed Murad Ali Sha Fakir, Syed Firdous Ali Sha Fakir and Syed Jakir Ali Sha Fakir** – shall be released on bail upon furnishing a bond of Rs.10,000 (Rupees ten thousand only) 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 laid down in section 438(2) CrPC.

The application for anticipatory bail, being CRM No.10960 of 2020 is thus disposed of.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]