

12.03.2021.
Item No.161
(Partly Allowed)

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C.R.M. 11081 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.12.2020 in connection with Hura Police Station Case No. 102 of 2020 dated 17.10.2020 (G.R. Case No. 1541 of 2020) under Sections 341/324/325/354/308/506/34 of the Indian Penal Code;

And

In the matter of : **Sabir Ansary @ Saber Ansari and others.**
... petitioners.

Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nesar,
Ms. Ankita Dey.

...For the petitioners.

Mr. Narayan Prosad Agarwala,
Mr. Ashok Das.

...For the State.

Apprehending arrest in connection with Hura Police Station Case No. 102 of 2020 under Sections 341/324/325/354/308/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the complaint has been launched as a counter-blast arising out of the family dispute between the parties.

The learned Advocate for the State opposes the prayer for anticipatory bail and produces the case diary.

The injury report and the statement under Section 161 of the Code of Criminal Procedure would reveal the complicity of the petitioner no. 4 in the alleged offence.

We, therefore, do not feel that the petitioner no.4, namely, **Khalil Ansary @ Khalil Ansari**, should be granted anticipatory bail.

Accordingly, the prayer for anticipatory bail of the respondent no. 4 is rejected.

The prayer for anticipatory bail so far as the respondent nos. 1, 2, and 3 is concerned, the same is allowed.

Accordingly, we direct that in the event of arrest the petitioner nos. 1, 2 and 3, namely, **Sabir Ansary @ Saber Ansari, Alauddin Ansary @ Alauddin Ansari and Nayan Ansary @ Nayan Mahahto**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further condition that the petitioner nos. 1 to 3 shall meet the Officer in-Charge of the concerned police station fortnightly and will attend on every date fixed for trial and in the event of failing to do so, the trial court shall be at liberty to cancel the anticipatory bail of the petitioner nos. 1 to 3 without any reference to this Court.

This application for anticipatory bail is, thus, **partly allowed**.

(Harish Tandon, J.)

(Kausik Chanda, J.)