

19.03.2021
Ct.04
RP 116
Allowed

CRM 11208 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with English Bazar Police Station Case No.445 of 2019 dated 08.05.2019 under Sections 195(A)/341/376/511/323/34 of the Indian Penal Code.

And

In the matter of : Hossain Sk. & Anr.

.... Petitioners

Mr. Kollol Mondal
Mr. M.A. Sk.
Ms. Amrita Chel
Mr. Souvik Das

.... For the Petitioners

Mr. Rana Mukherjee
Mrs. Sreeparna Das

.... For the State

The present application under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Hossain Sk. & Anr. is taken up for hearing and order.

It is submitted on behalf of petitioners that they have been falsely implicated due to previous dispute between the parties.

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

It appears from the case diary that the de facto complainant refused medical examination. Investigation has culminated in submission of charge sheet. Considering the materials available before us we are inclined to hold that custodial interrogation of the

petitioners is not required and they may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioners are directed to be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of like amount 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 on further condition that the petitioner no.2 Setab Sk. @ Seta Sk. shall remain outside the jurisdiction of English Bazar Police Station, District-Malda except for attending Court proceeding and meet the investigating officer as and when required.

CRM 11208 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

