

CRM 7740 of 2021
(via video conference)

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

And

In Re : Dalil Sk @ Daliluddin Sekh & Ors.

.....Petitioners

Mr. Koustav Bagchi
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Debayan Ghosh

.....for the Petitioners

Mr. Navanil De

.....for the State

Apprehending arrest in connection with Tehatta Police Station Case No. 599/2021 dated 11.11.2021 under Sections 341/323/326/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioners submits that there was a dispute pertaining to a plot of land between the parties and the petitioners have been falsely implicated. The allegations are omnibus in nature and in view thereof, custodial interrogation is not warranted.

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

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the injury report and the extent

of complicity of the petitioners, we are of the opinion that custodial detention of the present petitioners is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Dalil Sk @ Daliluddin Sekh, Alep Sk @ Alek Sk. @ Alef Sk., Ija Sk @ Ijarul Sk** and **Rafiqul Sk** 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, 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 with further condition that the petitioners shall meet with the Investigating Officer once a week till investigation is over.

The petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7740 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)