

CRM 8030 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Raju Ali @ Raju Sk & Ors.**

..... petitioners

Mr. Arup Sarkar
Mr. Debayan Ghosh

.....For the petitioners

Mr. Saryati Dutta

.....For the State

Apprehending arrest in connection with Chanchal Police Station Case No. 1089 of 2020 dated 21.11.2020 under Sections 448/323/325/307/34 of the Indian Penal Code, the instant application for anticipatory bail is filed.

On the prayer of the learned advocate appearing for the petitioners, the present application so far the petitioner no. 1 is concerned, is dismissed as infructuous.

Mr. Sarkar, learned advocate appearing for the petitioners submits that there was a dispute as regards cultivation of a plot of land between the parties. The petitioners have been falsely implicated. No overt act has been attributed to the petitioner nos. 2 and 3, who are the female family members. Upon completion of investigation, charge sheet has been submitted and as such, custodial interrogation of the petitioner nos. 2 and 3 is not warranted.

Mr. Dutta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as well as the injury report.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner nos. 2 and 3 in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, moreso when upon completion of investigation, charge sheet has already been submitted and as *prima facie* there is no possibility that the petitioner nos. 2 and 3 would flee from justice. As such, their prayer for anticipatory bail is allowed.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Raju Ali @ Raju Sk, Sajenur Bibi @ Sarjan Bibi** and **Nurbanu Bibi** 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.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 8030 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.)