

18.01.2022
Ct. No. 32
Sl. No.23
sdas

C. R. M. 8520 of 2021
[via video conferencing]

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

And

In Re: *Raibul Sk. @ Raibul Sekh & Anr.*

... .. Petitioners

Mr. Prosenjit Mukherjee

... .. for the petitioners

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

... .. for the State

As prayed for by the learned advocate appearing for the petitioners, leave is granted to correct the cause title and the prayer portion of the application.

Apprehending arrest in connection with Nalhati Police Station Case No. 122 of 2021 dated 06.04.2021 under Sections 450/506/324/326/307/354B/34 of the Indian Penal Code, this application has been preferred by the petitioners.

Mr. Mukherjee, learned advocate appearing for the petitioners, submits that there was a dispute amongst the parties pertaining to the user of a pathway. In the said dispute, the petitioners have been implicated. Allegations are omnibus in nature and upon completion of investigation charge-sheet has also been submitted. In view thereof, the petitioners may be granted anticipatory bail on any stringent condition.

Ms. Sinha, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and the injury

report. She further submits that there are incriminating materials on record against the petitioners.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statements of the witnesses, the nature of accusations, the injury report, the manner in which the offence has taken place and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary moreso when upon completion of investigation charge-sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Raibul Sk. @ Raibul Sekh* (2) *Asekul Sk. @ Asekul Islam @ Esakul Sk. @ Esekul 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 a 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.

It is further directed that the petitioners shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail, being CRM 8520 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)