

27.01.2022.
SL.36
Saswata
(Allowed)

**C.R.M. 8976 of 2021
(Through Video Conference)**

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

In the matter of : Mahabub Hossain

... Petitioner.

Mr. Subir Banerjee

...for the Petitioner.

Mr. Gautam Wilson

.....For the State.

Apprehending arrest in connection with Itahar Police Station Case No. 697 of 2021 dated 10.11.2021 under Sections 417/467/468/341/323/325/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the de facto complainant and he has been falsely implicated on a purported plea that depriving the share of the de facto complainant, the property had been sold. The other co-accused persons have already been granted anticipatory bail by the learned Sessions Court. There is also a civil suit being Title Suit 94 of 2021 pending pertaining to the disputed land. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Wilson, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the witnesses and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie it appears that the dispute has a civil profile. Considering the nature of accusations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Mahabub Hossain, be released on bail upon furnishing a Bond of `10,000/- (Rupees Ten thousand only), 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 with a further direction that the petitioner shall meet the Investigating Officer once in a fortnight till the investigation is complete.

It is further directed that the petitioner shall attend the learned trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial Court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8976 of 2021 is disposed of.

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

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)

