

25 04.01.2022
(AD) Court No.29
(Partly
Allowed)

**C.R.M. 9043 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** P.S. Case No. **571** dated **25/11/2021** under Sections **341/323/325/308/354B/379/506/34** of the Indian Penal Code.

And

In the matter of: Md. Mahibar Sekh & Ors.

....petitioners.

Mr. Narayan Debnath

...for the petitioners.

Md. Anwar Hossen

Ms. Benajir Hasna

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the police complaint was a result of land dispute between the cousin brothers. There is a civil suit pending.

Learned Advocate appearing for the State draws the attention of the Court to the injury report and to the statement recorded under Section 161 of the Code of Criminal Procedure.

Considering the gravity of the offence and the complicity of the petitioners therein and considering the fact that there is a civil suit pending between the private parties and considering the involvement of the petitioner no.1 in the incident, we are unable to grant anticipatory bail to the petitioner no.1(Md. Mahibar Sekh). Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected. However, we grant anticipatory bail to the petitioner no.2(Raushan Ali) and petitioner no.3(Isanabi).

Accordingly, we direct that in the event of arrest, the petitioner nos. 2 and 3 shall be released on bail upon furnishing

a Bond of Rs.10,000/- each with two sureties of like amount each 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 nos.2 and 3 shall meet the Investigating Officer once a month till the conclusion of the investigation and that the petitioner nos.2 and 3 shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 9043 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)