

17.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5243 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **361** of **2022** dated **08.10.2022** under Sections 406/420/323/34 of the Indian Penal Code, 1860.

And

In Re : Akkas Ali Sk @ Mollick @ Akkachh & Ors.

..... petitioners

Mr. Soumyajit Das Mahapatra

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioners

Mr. Joydip Roy

Ms. Sujata Das

....for the State

The disputes, apparently, are civil in nature.

Claim of defalcation is against a person, who is dead.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 be 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. 1 (Akkas Ali Sk @ Mollick @ Akkachh) and 2 (Mubbachh Ali Sk @ Mubbass) shall meet the Investigating

Officer as and when called for till the conclusion of the investigation and petitioner no. 3 (Jabeda Bibi @ Jabeda Bibi Molla) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)