

25.08.2023
ML. 481
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3301 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raghunathganj** Police Station Case No. **629 of 2023** dated **26.07.202** under Sections **376/511/354/323/506/34** of the IPC.

And

In the matter of: **Roni Sk. alias Jafar Ikbal Sekh & Ors.**

....petitioners.

Ms. Shabana Hasin
Mr. Mobaidur Hossain

...for the petitioners.

Mr. Pravas Bhattacharya
Mr. M.F.A. Begg

...for the State.

1. Heard learned Counsel for both the parties.
2. In a dispute between the landlord and the tenant of the petitioner No. 3, (who is the landlord). The landlord and his associates are alleged to have committed the offence as aforesaid in the heading.
3. From the statement of the witnesses recorded under Section 161 Cr.P.C. and the victim recorded under Section 164 Cr.P.C., we do not find any material to constitute *prima facie* the offence under Section 376/511 IPC. proceeding for the eviction between the parties is stated to be pending.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioners are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3301 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

