

31.08.2023
SL. 58
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3586 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ganga Sagar Costal** Police Station Case No. **26** of **2023** dated **03.04.2023** under Sections **420/467/468/471/506/34** IPC.

And

In the matter of: **Yuosuf @ Yousuf Ali Khan & Ors.**

....petitioners.

Mr. Tapash Kumar Mondal

...for the petitioners.

Mr. Debabrata Chatterjee

Mr. Pravas Bhattacharya

Mr. Mirza Firoj Ahmed Begg

...for the State.

1. Heard learned Counsel for the parties.
2. Learned advocate for the petitioners in course of his submission submits that considering the fact that the present petitioners are similarly circumstanced with the accused person Maherneka @ Mehernisha Bibi who has been enlarged on anticipatory bail vide order dated 08.08.2023 as passed in CRM (A) 2860 of 2023, the instant application for pre-arrest bail may be considered favourably.
3. Such prayer has been opposed by the learned Counsel for the State alleging that the sufficient materials are there as against the present petitioners to attract the offence under Section 420 IPC along with other offences with which the present petitioners have been charged.
4. On consideration of the entire materials as placed before us, it reveals that the entire transaction as disclosed in the petition under Section 156(3) Cr.P.C. centers around a property dispute wherein the present petitioners are similarly circumstanced with the petitioner enlarged on anticipatory

bail by us in CRM (A) 2860 of 2023.

5. Regard being had to the facts and submission, 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 in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances including the conditions that:
 - i) the petitioner nos. 1 to 3 are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form;
 - ii) the petitioner no. 4 being a lady is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of Final Form.
6. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3586 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

