

19.09.2023
ML. 132
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3739 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagnan** Police Station Case No. **22 of 2023** dated **16.01.2023** under Sections **420/406/34** of the IPC.

And

In the matter of: **Sk Basiruddin & Anr.**

....petitioners.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Ms. Bidisha Das

...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Ms. Pritha Paul

...for the State.

1. Heard learned Counsel for both the parties.
2. It is contended on behalf of the petitioners that the allegation as made out in the FIR is the counter blast to the written complaint as lodged by the petitioner No. 2 herein. On perusal of the written complaint as lodged in this case and the other materials as placed before this Court, it appears to us that the present case is basically civil in nature and the relief of the parties lies with the common law forum.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence 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 petitioner No. 1 (Sk Basiruddin) is 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 petitioner No. 2 (Sk Jahanara) is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of F.F.

- 4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 5. 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.
- 6. Accordingly, the prayer for the anticipatory bail is allowed.
- 7. The application being **CRM (A) 3739 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

