

18.04.2024
Item No.45
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1226 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **23 of 2024** dated **02.02.2024** under Sections **420/468/471/34** of the Indian Penal Code, pending before the Court of Learned Chief Judicial Magistrate, Uttar Dinajpur.

And

In the matter of : Haidar Ali & ors.

..... petitioners

Mr. Himanshu De,
Mr. Navanil De,
Mr. Srijan Ghosh
....for the petitioners

Mr. Bibaswan Bhattacharya,
Mr. Tapas Kumar Saha
....for the State

Petitioners pray for anticipatory bail.

A Civil Suit was filed concerning the immovable property.

Civil Suit was initially dismissed for default. Restoration application was dismissed for default. The last dismissal for default order is of 2009. Thereafter, the police complaint was lodged in respect of the self-same immovable property which was involved in the Civil Suit.

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/- (Rupees Ten Thousand only) 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 no.1, namely, Haidar Ali and petitioner no.2, namely, Hakim Ali will report before the Investigating Officer once in a fortnight till the conclusion of investigation and petitioner no.3, namely, Maleka Khatun, petitioner no.4, namely, Kasmina Khatun @ Kashmina Khatun @ Kasmina Parvin, petitioner no.5, Manowara Khatun @ Manowara Begum @ Manoara Begum and petitioner no.6, namely, Husnara Khatun will cooperate with the investigation and on further 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.

CRM(A) 1226 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)