

04.07.2024
SL No.18
Court No.29
TN

CRM (A) 2096 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Liluah Police Station Case No.142 dated 20.03.2024 under Sections 447/354B/427/325/379/506/34 of the Indian Penal Code and adding Section 307 IPC and adding Sections 376/511 IPC.

And

In the matter of : **Sekh Mijanur @ Mijanur Seikh and another.**

- petitioners.

Mr. Sabir Ahmed,
Ms. Ansuman Bera

.... for the petitioners.

Mr. Abhijit Kumar Adhya

....for the *de facto* complainant.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Nahid Ahmed

... for the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated due to family dispute over a property matter. It is submitted that the husband of the complainant has filed a civil suit.
2. The learned Counsel for the State in opposing the prayer has referred to the statement of the victim and the mother of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical report.
3. The learned Counsel for the *de facto* complainant also opposes the prayer for anticipatory bail.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the statement of the victim and her mother recorded

under Section 164 of the Code of Criminal Procedure and the medical report, we are of the view that the petitioner no.1 is not entitled to anticipatory bail and the same is rejected. However, petitioner no.2 shall be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Shajes Mallick @ Giyasuddin Mallick** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no.2 shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report.
6. It is further directed that the present accused petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Howrah, in connection with GR Case No. 1343 of 2024 within two weeks from date and pray for regular bail.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)