

07.10.2024
Court No.29
Item No. 27

Allowed

sg

CRM (A) 3579 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Ghatal Police Station Case No. 195 of 2024 dated 02.06.2024 under Section 406/420/506//34 of Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur.

And

In Re: **Abu Taher Khan & Anr.**

Petitioners

Mr. Sarwar Jahan
Mr. Sayantan Hazra

For the Petitioners

Mr. Saibal Bapuli
Mr. Raju Mondla

For the State

1. We have heard the learned Counsel for the parties.
2. Apparently, there are disputes with regard to management of a teaching training institute. Earlier, there was a complaint which was similar in nature and in connection thereof, a coordinate Bench granted anticipatory bail to the petitioner no.1 on 7th November, 2022 in CRM(A) 4723 of 2022.
3. Considering the materials available in the case diary it appears that the disputes are essentially civil in nature and both sides claimed control over the institute. This appears to be a continuation of the first FIR and there has been no substantial change in circumstances excepting continuance of and exchange of verbal between the parties and both have made allegations against each other. The petitioner no.2 is the wife of the petitioner no.1 and the allegation against the petitioner no.2 is general and omnibus in nature. The principal allegation is against the petitioner no.1.

4. In the background of the aforesaid facts, we are of the view that the custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Abu Taher Khan and Moriyani Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner no.1 shall meet the Investigating Officer once in a fortnight till the submission of the final report and the petitioner no.2 shall cooperate with the investigation. The petitioners shall appear before the jurisdictional court within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)