

22.01.2024
Item No.49
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4934 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haripal** Police Station Case No. **323** of **2023** dated **27.07.2023** under Sections **420/406/467/468/506/34** of the Indian Penal Code.
And

In the matter of : Sabir Ali Mallick & ors.

..... petitioners

Mr. Sandipan Ganguly, Sr. Advocate
Ms. Priyanka Sarkar,
Mr. Keshab Chandra Das,
Ms. Aparajita Mondal
....for the petitioners

Mr. Prasun Kumar Datta, Ld. A.P.P.
Mr. Nirupam Dhali
....for the State

Mr. Subhendu Sinha Roy
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned Senior Advocate appearing for the petitioners submits that, there was civil suit filed in respect of the property and that the father of the de facto complainant lost such civil suit right up to the appeal stage.

The name of the petitioners were therefore correctly recorded by the concerned Block Land and Land Reforms Officer in respect of the property concerned.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Police complaint revolves around an immovable property and such immovable property was subject-matter of civil dispute where father of the victim lost the proceeding up to the appeal stage.

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 petitioners will report before the Investigating Officer as and when called for by the Investigating Officer and on 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) 4934 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)