

14.11.2024
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Allowed

C.R.M. (A) No. 3876 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Pandua Police Station Case No. 495 of 2023 dated 11.09.2023 under Sections 448/323/325/376DA/427/506/34 of the Indian Penal Code and under Section 6(1) of the POCSO Act.

And

In Re : Maibul Hasan alias Shekh Maheebub Hasin petitioner

Mr. Suman Chakraborty

.....for the petitioner

Mr. Soumik Ganguly

Ms. Pinky Sarkar

....for the State

1. Learned Counsel for the petitioner submits he ordinarily resides at Rajkot, Gujrat and has been falsely implicated due to property dispute. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits prayer for anticipatory bail of the co-accused, Shekh Nasir was turned down by a co-ordinate Bench.

3. We have considered the materials on record. Though statements implicated the petitioner in the crime, documents annexed to the petition show he is a resident of Rajkot, Gujrat. In view of the aforesaid fact he does not stand on the same footing with co-accused, Shekh Nasir. On the

other hand petitioner's contention that all family members were roped in owing to prior enmity and property dispute appears to be probable. Accordingly, we are inclined to grant anticipatory bail to him.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)