

**30.09.2020**

Court No. 16  
Item No. 16  
abhar/bdatta

**CRM 6762 of 2020**

**With**

**CRAN 1 of 2020**

**(Via Video Conference)**

**(antibail - allowed)**

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Nalhati Police Station Case No. 140 of 2020 dated 09.08.2020 under Sections 448/323/324/325/326/354/307/506/34 of the Indian Penal Code.

**and**

In the matter of: **Sabir Ali @ Sabir Sk.**

..... Petitioner

**Mr. Bitasok Banerjee.**

.....for the Petitioner

**Mr. Madhusudan Sur**

**Mr. Aniket Mitra.**

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that the petitioner has been falsely implicated in this case as he is a serving personnel of military now deployed in Active Counter Insurgency-Counter Terrorism Operational Area in Union Territory of Jammu & Kashmir. He is posted there with effect from 1<sup>st</sup> January, 2020 to 10<sup>th</sup> January, 2020 and 10<sup>th</sup> February, 2020 to 12<sup>th</sup> August, 2020. The relevant document issued by the Commanding Officer of 52 Rashtriya Rifles Battalion is produced by the learned advocate for the petitioner. Let the same be kept with the record.

According to the petitioner, the case is a fall out of a mass petition initiated by the family members of the petitioner, alleging something against the administration of a village run by the Upa-Pradhan. The date of the occurrence appears to be on 9<sup>th</sup> August, 2020 while petitioner was posted in his working place.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that there are materials available in the case diary revealing involvement of the petitioner.

Pursuant to the order dated 22<sup>nd</sup> September, 2020 the petitioner has been enjoying immunity from arrest.

Having heard the learned advocates for the respective parties and bearing in mind the insufficient materials available in the case diary together with the chance of involvement of the petitioner on the relevant date of alleged occurrence, we are inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioner, namely, **Sabir Ali @ Sabir Sk.** be released on bail upon furnishing a bond of Rs.5,000/- (Rupees five thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application being **CRM 6762 of 2020** is **allowed**.

**(Subhasis Dasgupta, J.)**

**(Harish Tandon, J.)**