

03.02.2021
Court No.28
Item No. 326
Krishnendu
ALLOWED

**C.R.M. 352of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Sabir Miyan @ Sabir Mia**

Petitioner

Mr. Mrityunjoy Chatterjee
Mr.Golam Nure Imrohi

For the Petitioner

Mr. Sandip Chakraborty

For the State

Apprehending arrest in connection with Domkol Police Station Case No. 693 of 2020 dated 23.11.2020 under sections 448/376/511 of the Indian Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the instant case was initiated by way of an application under section 156(3) of the Code of Criminal Procedure after a considerable period of time and there were previous litigations existing between the relation of the present petitioner and the complainant. The learned advocate additionally submits that because of previous enmity, the present petitioner has been implicated in the case and he is innocent and would be seriously prejudiced if he is taken into custody.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to the statement of the victim recorded under section 164 of the

Code of Criminal Procedure. The learned advocate for the State additionally submits that as there was an attempt for commission of the offence, the medical examination was refused by the victim.

We have perused the materials available in the case diary and on an appreciation of the complaint, the statements of the witnesses and the statement of the victim, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the instant case. As such, the petitioner's prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sabir Miyan @ Sabir Mia**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner shall meet the Officer-in-Charge of Domkol Police Station once a week on and from 8th February, 2021 until further orders.

The application for anticipatory bail, being CRM No. 352 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

