

15 24.05.2021
g.b. Court No.28

CRM 981 of 2021

Allowed

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

And

In Re: Arif Doctor @ Arif Hossain @ Md. Arif Hossain

Petitioner

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.

For the Petitioner

Mr. S. S. Imam
Mr. Subrato Roy

For the State

Apprehending arrest the petitioner has filed the instant application under Section 438 of the Code of Criminal Procedure praying for anticipatory bail.

Mr. Mondal, learned advocate appearing on behalf of the petitioner submits that charge sheet has been submitted in this case on 30th June, 2019. Allegation against the accused/petitioner is that he was dealing with stolen mobile phones. But the petitioner has a shop of selling of old mobile phones and those phones were seized. Since charge sheet has been submitted, custodial interrogation of the petitioner is not necessary. So the petitioner may be released on anticipatory bail.

Learned Public Prosecutor in-charge has raised objection on the ground that huge number of stolen mobile phones were seized.

Having heard the learned advocates appearing for the parties and on careful perusal of the case it is ascertained that though huge number of mobile phones were seized from the shop of the petitioner, nobody came forward during investigation to claim ownership of those second hand mobile phones.

Charge sheet has been submitted. Alleged stolen articles were seized. Therefore, we are of the view that custodial interrogation of the accused is not necessary. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Arif Doctor @ Arif Hossain @ Md. Arif Hossain**, 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.

The application for anticipatory bail, being C.R.M. 981 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)