

27.04.2021

Item No.283

Ct.No.28

dc.

Allowed

C.R.M. 1000 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Habibur Sk @ Habibur Rahaman**

... Petitioner.

Md. Sarwar Jahan,
Mr. Anisur Rahman

... For the Petitioner.

Mr. Sekhar Barman

... For the State.

Apprehending arrest in connection with Suti P.S. Case No. 463 of 2020 dated 29.09.2020 under Sections 448/325/326/308/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Jahan, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in a dispute pertaining to a landed property. Out of four accused persons, three had already been enlarged on bail and one had been granted anticipatory bail. After completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation/detention of the petitioner is not necessary.

Mr. Barman, learned advocate appearing for the State opposes the petitioner's prayer and submits that overt acts have been attributed to the petitioner. He also draws our

attention to the injury report and the statement of witnesses recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the medical report, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation/detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Habibur Sk @ Habibur Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 with the Officer-in-Charge of Suti Police Station once a week on and from 3rd May, 2021 until further orders.

The application for anticipatory bail, being CRM 1000 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)