

04.06.2021
Court No.28
Item No. 12
Krishnendu
Allowed

**CRM 1061 of 2021
(Via video Conference)**

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

And

In Re : **Tahidur Rahaman @ Khan**

Petitioner

Mr. Pravas Bhattacharya

For the Petitioner

Mr. Imran Ali

Mr. Pratick Bose

For the State

As prayed for, leave is granted to the learned advocate for the petitioner to amend the cause title of the application.

Apprehending arrest in connection with Garhbeta Police Station Case No. 383 of 2017 dated 31.12.2017 under sections 498A/323/354/494/307/509/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident, which occurred about 18 years after his marriage with the *de facto* complainant. The petitioner is having two children. The other co-accused persons have already been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation, charge sheet has also been filed and, as such, custodial interrogation/detention of the petitioner is not necessary.

Mr. Ali, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie the allegations appear to be omnibus in nature. In view thereof, and since upon completion of investigation charge sheet has also been filed, we are of the opinion that custodial interrogation/detention of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Tahidur Rahaman @ Khan**, 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 on condition that the petitioner shall meet with the Officer in Charge of Garhbeta Police Station twice a week on and from 10th June, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event he fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 1061 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.

(Shampa Sarkar, J)

(Tapabrata Chakraborty, J)