

24.05.2021
Court No.28
Item No. 57
Krishnendu
Allowed

CRM 1693 of 2021
(Via video Conference)

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

And

In Re : **Lakshmi Hizra @ Jahir Ali @ Zahir Ali**

Petitioner

Mr. Sujoy Sarkar

For the Petitioner

Mr. N. Ahmed

Md. Anwar Hossain

Mr. N.P. Agarwalla

For the State

Apprehending arrest in connection with Suri P.S. Case No. 515 of 2019 dated 01.10.2019 under sections 147/148/149/325/326/308/427 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The petitioner is a transgender. The petitioner's name does not feature in the F.I.R. The allegations levelled against the petitioner are in the abstract and there are no incriminating materials. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation is not necessary.

Mr. Ahmed learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail. However, he does not dispute the fact that the petitioner's name was not there in the F.I.R.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioner in the alleged offence and since investigation is already complete, we are of the opinion that custodial detention/interrogation 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, **Lakshmi Hizra @ Jahir Ali @ Zahir Ali,,** 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.

The application for anticipatory bail, being CRM No. 1693 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.)