

23 09.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 1889 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gazole P.S. Case No. 1698 of 2013 arising out of Gazole P.S. Case No. 241 of 2013 dated 14.06.2013 under Sections 325/379/307/302 of the Indian Penal Code.

And

In the matter of: Rabiul Sekh

....petitioner.

Mr. Aniket Mitra,
Mr. Swarvanu Saha

...for the petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Dutta

...for the State.

The application for anticipatory bail under Section 438 CrPC has been filed apprehending arrest in connection with Gazole P.S. Case No. 1698 of 2013 arising out of Gazole P.S. Case No. 241 of 2013 dated 14.06.2013 under Sections 325/379/307/302 of the Indian Penal Code.

Counsel for the petitioner submits that an earlier application under Section 438 CrPC was rejected by this Court on November 19, 2018. Some of the co-accused however been granted anticipatory bail on August 16, 2019.

Counsel for the State submits that charge-sheet in the matter has already been filed.

In view of the above and considering the facts that custodial interrogation of the petitioner is not necessary any further the application under Section 438 CrPC is allowed.

Accordingly, in the event of arrest, the petitioner shall be released on bail subject to satisfaction of conditions under

Section 438 (2) of CrPC, 1973 and upon furnishing 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 **learned Chief Judicial Magistrate, Malda**, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the concerned Court except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the I.O. and if he does not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioner fails to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)