

21.09.2021

CRM 2118 of 2021

**Court No.28
Item No.176
(Allowed)**

**Akd
&
As**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Raiganj Police Station Case No. 502 of 2019 dated 02.08.2019 under Sections 399/402 of the Indian Penal Code;

And

In the matter of : **Hasibul Ali @ Hasibul**
...Petitioner

Mrs. Juin Dutta Chakraborty.
...For the Petitioner

Ms. Faria Hossain,
Ms. Baisali Basu.
...For the State.

Apprehending arrest in connection with Raiganj Police Station Case No. 502 of 2019 under Sections 399/402 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the petitioner has been falsely implicated in connection with the instant case. It is further submitted that there is no material found against the petitioner; yet the police is attempting to arrest the petitioner in connection with the aforementioned case.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that charge sheet has already been submitted. However, she relies upon the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the materials available in the case diary including the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, we do not find any specific role ascribed to the petitioner.

We thus find no justification in rejecting the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner 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 of the concerned police station subject to the condition that the petitioner will appear before the Trial Court on every date of hearing and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event, the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without further reference to this Court.

The application for anticipatory bail, being CRM 2118 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)