

08.06.2021
AJ./S.B.,ct 28
Sl no. 89

C.R.M. 3162 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 07.04.2021 in connection with Ratua P.S. Case No. 52 of 2021 dated 04.02.2021 under Sections 448/376/5111/323/379/506/34 of the Indian Penal Code corresponding to G.R. Case No. 268 of 2021.

And

Allowed

In Re : **Niamul Hoque.** petitioner.

Ms. Minoti Gomes,
Mr. Kaushik Biswas. for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Samik Ganguly. for the State

This is an application for anticipatory bail apprehending arrest in connection with Ratua P.S. Case No. 52 of 2021 dated 04.02.2021 under Sections 448/376/5111/323/379/506/34 of the Indian Penal Code corresponding to G.R. Case No. 268 of 2021.

Having considered the records of the case and having heard the Counsel for the parties, this Court notes that although incident occurred in 8th January, 2021, the de-facto complainant approached the Police Station on 30th January, 2021 and F.I.R. was registered a week later. It is further submitted by Counsel for the State that despite repeated requests the complainant has not come forward to give a statement under Section 164 of the Code of Criminal Procedure.

Considering the entire facts of the case and the conduct of the complainant, this Court is of the view that he petitioner has made out a case for grant of relief under Section 438 of the Code of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of Code of Criminal Procedure, 1973 and 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 Investigating Officer 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 Police Station except for the purpose of investigation and shall provide the address where they shall reside while on bail to the Investigating Officer and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction they shall reside once in a week until further orders. The petitioner shall surrender his passport to the Investigating Officer and if he does not possess a passport, shall submit an affidavit to that effect before the Investigating Officer.

In event of violation or breach of any of the conditions, this order shall be treated to be cancelled without further reference to this court.

The application for anticipatory bail being CRM 3162 of 2021 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.)