

11.06.2021

(Sl. No. 78)

Ct. No. 28

(S. Banerjee/TB)

CRM 3814 of 2021

(through Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.05.2021 in connection with Kaliachak Police Station Case No. 319 of 2021 dated 16.03.2021 under Sections 417/376/406 of the Indian Penal Code, 1860.

And

In the matter of: Md. Jakir Hossain @ Jakir Mia @ Jakir Hossain
...petitioner

Ms. Minati Gomes

... for the petitioner

Md. Salahuddin

Md. Zafar Sadique

... for the State

Counsel for the petitioner submits that the instant complaint is a counter-blast to an earlier proceeding instituted by the petitioner against the de facto complainant.

Counsel for the State submits that the petitioner and the de facto complainant had a relationship for some time and there was money lent and advanced by the de facto complainant to the petitioner.

Having considered the facts of the case and the submissions made by the counsel for the petitioner and the State is of the view that the allegations of the petitioner are required to be established in course of trial. The petitioner has made out a case for granting relief under Section 438(2) 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 the Code of Criminal Procedure 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 investing officer, 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 police station except for the purpose of the 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 investigating officer and if he do not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioner fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the 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.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)