

09.12.2021
Item no.162
Court No.32
Avijit Mitra

C.R.M. 5525 of 2021

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

And

In Re : Rakib Sk. @ Md. Rakib @ Md. Rakeb
.... petitioner

Mr. Soumya Basu Roy Chowdhury
....for the petitioner

Mr. Sandip Chakraborty
..... for the State

Apprehending arrest in connection with Beldanga Police Station Case No.515 of 2020 dated 02.12.2020 under Sections 498A/307 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Roy Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which occurred on 3rd September, 2020 about five years after his marriage with the victim lady. The complaint has been registered about three months after the incident on the basis of an order passed in an application under Section 156 (3) of the Code. No overt act has been attributed to the petitioner and upon completion of investigation chargesheet has also been submitted. In view thereof, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to

the statement of the witnesses and the injury report. He further submits that there are incriminating materials on record against the petitioner and as such, he is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the injury reports and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted, more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rakib Sk. @ Md. Rakib @ Md. Rakeb**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.5525 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)