

10.12.2021

Item no.203
Court No.32

Ss

C.R.M. 6225 of 2021

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

And

In Re : Rabikul @ Rabiul @ Rabibul Khan

.... Petitioner

Ms. Amrita Chel

....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

..... for the State

Apprehending arrest in connection with Nandakumar Police Station Case No.330 of 2020 dated 19.10.2020 under Sections 306/34 of the Indian Penal Code, the present application is preferred praying for anticipatory bail.

Learned lawyer for the petitioner, Ms. Amrita Chel, submits that the co-accused persons are on anticipatory bail. The present petitioner is on same footing. There are paucity of incriminating materials against the petitioner. Custodial detention is not necessary since charge-sheet is filed. Therefore, anticipatory bail should be allowed to the petitioner.

Per contra, learned lawyer for the State, Mr. S.S. Imam assisted by Mr. S. Kundu, submits that incriminating materials are there in the case diary. Learned lawyer for the State invites our attention to the various documents including the statement of the witnesses, post-mortem report and others and opposes grant of anticipatory bail.

We have perused the case diary and heard the rival submissions. We are aware that the co-accused persons are on bail. There is no strong incriminating element connecting the present petitioner to the alleged crime.

We are not able to find, prima facie, any overt act on the part of the present petitioner in connection with the alleged crime.

On perusal of the case diary and other materials, we are therefore inclined to allow anticipatory bail to the present petitioner, namely, **Rabikul @ Rabiul @ Rabibul Khan** 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 petitioners fail 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.6225 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.)

