

21.09.2021
tkm/ct 29
sl no. 50

C.R.M. 6118 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P.S Case no. 352 of 2021 dated 13.7.2021 under sections 448/376/325/34 of the IPC

And

Allowed

In Re : Zakir Hossain @ Jakir Hossain & Anr. petitioners

Mr. Arup Sarkar
Mr. S Mukherjee

..... for the petitioners

Mr. Prasun Dutta
Mr. Iqbal Kabir

..... for the State

Petitioners seek anticipatory bail.

It is submitted on behalf of the petitioners that they were falsely implicated in the instant case. There is a long-standing property dispute between the family of the de facto complainant and the petitioners.

Learned advocate for the State draws attention of this Court to the contents of the case diary.

On a query from the Court, learned advocate for the State submits that the victim did not undergo any medical examination. Victim also refused to record statement under section 164 Cr.P.C.

Considering the materials in the case diary and considering the fact that the victim did not undergo medical test and did not record statement under section 164 Cr.P.C, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners while on bail, shall meet the investigating officer once in a week until further orders. Petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

The application being CRM 6118 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)