

CRM 6464 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Alam Hoque @ Alam**
..... petitioner

Ms. Minoti Gomes
.....For the petitioner

Mr. S. S. Imam
Mr. Pratick Bose
.....For the State

Apprehending arrest in connection with Gazole Police Station Case No. 56/2018 dated 05.02.2018 under Sections 411/413/414 of the Indian Penal Code, 1860, the present application has been preferred.

Heard Ms. Minoti Gomes, learned lawyer for the petitioner and Mr. Pratick Bose, learned lawyer representing the State.

Charge sheet in this case has been filed. Incriminating elements are there against the present petitioner and recovery of one motorcycle is also made from his house.

However, since charge sheet has been filed, we are of the considered opinion that custodial detention is not necessary. Considering the extent of incriminating elements, nature of allegation and stage of investigation, we are inclined to allow the anticipatory bail.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Alam Hoque @**

Alam shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 6464 of 2021, is, thus, 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.)