

14.12.2021
Item no.249
Court No.32
Avijit Mitra

C.R.M. 6737 of 2021

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

And

In Re : Sk. Ziauddin Nasir

.... petitioner

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Arkadeb Bhattacharya

....for the petitioner

Mr. Binay Panda,
Mr. Subham Bhakat

..... for the State

Apprehending arrest in connection with Entally Police Station Case No.142 of 2021 dated 06.04.2021 under Sections 385/307/323/114 of the Indian Penal Code, the present application has been preferred.

Mr. Ganguly, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated in repeated complaints lodged by his wife. The first complaint was of the month of December, 2018. On the basis of the same a criminal proceeding was initiated, in which the petitioner was granted anticipatory bail on 26th June, 2019. Subsequent thereto, another complaint was lodged on 23rd December, 2020 and in the concerned criminal case also the petitioner was granted anticipatory bail. The present complaint has again been lodged pertaining to an incident on 19th March, 2021 which was prior to grant of anticipatory bail to the petitioner in the earlier proceeding. The present complaint has also been lodged 18 days after the alleged incident and from the said sequence of facts, it

would be explicit that the petitioner has been sought to be roped in repeatedly on the basis of omnibus allegations.

Mr. Panda, learned advocates appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the injury report.

Prima facie, it appears that there is a long-standing dispute between the petitioner and his wife. In the earlier proceedings initiated on the basis of complaints lodged by the petitioner's wife, the petitioner was granted anticipatory bail. Considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Ziauddin Nasir**, 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 a further condition that the petitioner shall meet the investigating officer of the case once a week on and from 23rd December, 2021 till the investigation is over.

The petitioner shall attend the learned Trial Court on all the dates as fixed 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. 6737 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.)