

19.03.2021

**106**

AN/ Ct. No. 4

**C.R.M. 11191 of 2020**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 424/2020 dated 03.06.2020 under section 489(B)/489(C)/120(B) of the Indian Penal Code in connection with G. R. Case No. 2298/2020.

And

In the matter of : **Ainal Hoque**                      **... Petitioner.**

Mr. Amitabha Karmakar  
Mr. Arup Kumar Bhowmick  
... for the Petitioner.

Mr. Rana Mukherjee, learned A.P.P.  
Ms. Sreeparna Das  
... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Ainal Hoque** is taken up for hearing and order.

It is submitted on behalf of the petitioner that no recovery has been made from the petitioner and his name has transpired from statement of co-accused.

The State opposes the prayer for bail and produces the case diary.

It appears that no recovery has been made from the petitioner and his name has transpired from statement of co-accused before the police officer which is inadmissible in evidence. Investigation is complete.

Considering the materials on record, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 11191 of 2020 is disposed of.

**( Arindam Sinha, J. )**

**( Suvra Ghosh, J. )**