

25.11.2021

Item No.64

Ct.No.01

F.B/Subha

Allowed

C.R.M. 848 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail apprehending arrest in connection with Cooch Behar Sadar Woman Police Station Case No. 44 of 2021 dated 22.04.2021 under Sections 376/354-A(ii)/506 of the Indian Penal Code (Corresponding to GR case no. 480 of 2021S).

And

In the matter of : Majidul Hoque @ Majidul Haque.
.. Petitioner.

Mr. Hillol Saha Poddar

... For the Petitioner.

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharjee

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case, even the F.I.R would show that the petitioner and the accused were known to each other.

Learned advocate for the State produces the case diary and draws the attention of this court to the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary and we are of the opinion that although a prima facie case has been made out, so far as the present petitioner is concerned,

but the custodial detention of the petitioner may not be warranted in the facts and circumstances of the present case.

Accordingly, in the event of arrest, the petitioner namely, Majidul Hoque @ Majidul Haque shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and on further condition that the petitioner will meet with the Investigating Officer once a week until further orders.

This order is passed subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

With the aforesaid directions, the application for anticipatory bail, being **CRM 848 of 2021** stands ***disposed*** of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)