

13.12.2021
SL No.42
Court No.1
(SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1016 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Falakata Police Station Case No. 25 of 2019 dated 22.01.2019 under Sections 363/376 of the Indian Penal Code, 1860.

And

In the matter of : **Nur Islam**

- Petitioner.

Mr. Hillol Saha Podder
... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Saikat Chatterjee
... For the State.

The learned Counsel for the petitioner submits that there is love relationship between the petitioner and the victim and he has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Considering the material available on record, the nature and extent of complicity of the petitioner and also having regard to the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not

required. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Nur Islam**, 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, 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.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Court of the Learned Additional Chief Judicial Magistrate, Alipurduar. We make it clear that the Learned Magistrate while deciding the application for grant of regular bail shall take a decision independent with the observations made by us in this order.

The application for anticipatory bail, being CRM No.1016 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)