

CRM (A) 318 of 2022
(via video conference)

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

In the matter of : **Habibul Sekh**

..... petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

.....For the petitioner

Mr. Sudip Kumar

.....For the State

Apprehending arrest in connection with Murutia Police Station Case No. 168 of 2013 dated 07.08.2013 under Sections 147/149/325/236 of the Indian Penal Code, the present application has been preferred praying for anticipatory bail.

Leave is granted to the learned lawyer for the petitioner herein to rectify the cause title.

Mr. Biswas, learned lawyer appearing for the petitioner submitted that the present petitioner is falsely implicated in this case having no incriminating material against him. Other co-accused are granted regular bail. Since charge sheet has been filed, custodial detention of the present petitioner is not necessary. Accordingly, anticipatory bail is prayed for on any stringent condition.

Per contra, Mr. Kumar, learned lawyer appearing for the State submitted that the present petitioner has been absconding for which custodial detention could not be made

for interrogation. Strong incriminating materials are there in this case. He strongly oppose the anticipatory bail application.

Heard the learned lawyers and perused the case diary.

Genesis of this case is alleged incident which took place on 22nd July, 2013. After lapse of nine years and particularly, after filing of charge sheet, we do not feel his custodial detention as necessary. On perusal of the case diary and other materials, we are, therefore, inclined to allow the anticipatory bail application.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Habibul Sekh** 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 with further condition that the petitioner shall not enter the jurisdiction of Murutia Police Station till further order.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend 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 (A) 318 of 2022, 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.)