

07.04.2022

Sl. 13
Court No.29
Suvayan
(Partly
Allowed)

CRM (A) 1592 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakulia** P.S. Case No. **192/2020** dated **19/07/2020** under Sections **498A/304B/34** of the Indian Penal Code added Section 302 of the Indian Penal Code.

And

In the matter of: Alamgir & Anr.

....petitioners.

Mr. M. N. Choudhury
Mr. Marghoob Ahmed Salik

...for the petitioners.

Mr. Aniket Mitra

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State submits that the police filed charge-sheet. The petitioner no.1 stands implicated in the statement recorded under Section 164 of the Criminal Procedure Code.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the diary, we are unable to grant anticipatory bail to the petitioner No.1 (*Alamgir*). CRM (A) 1592 of 2022 is rejected so far as the petitioner No.1 is concerned.

Considering the fact that the police filed charge-sheet and considering the involvement of the petitioner in the incident, we grant anticipatory bail to the petitioner No.2 (*Md. Arif Khan*).

Accordingly, we direct that in the event of arrest, the petitioner No.2 (*Md. Arif Khan*) 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 and on condition that the petitioner No.2 shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner No.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner No.2 (*Md. Arif Khan*) is allowed.

CRM (A) 1592 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)