

19.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2271 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **127** of **2022** dated **23.03.2022** under Sections 448/376/511 of the Indian Penal Code, 1860.

And

In Re : Najrul Islam @ Nazrul Islam

..... petitioner

Mr. K. Bagchi

Ms. Sabnam Laskar

....for the petitioner

Ms. Sayanti Santra

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the present police complaint is a counter-blast to the civil suit filed against the family member of the de-facto complainant with regard to an immovable property.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and the materials in the case diary.

There is a civil suit for preemption pending between the private parties.

The contention of the petitioner that he was falsely implicated cannot be ruled out at this stage. Consequently, we deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)

