

24.03.2022

Sl. 119
Court No.29
suvayan
(Allowed)

CRM 4112 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Park Street** P.S. case No. **46 of 2021** dated **05/04/2021** under Sections **306/34** of the Indian Penal Code, 1860.

And

In the matter of: Md. Shamsher

....petitioner.

Md. Hossain

...for the petitioner.

Mr. Neguive Ahmed, APP

Ms. Amita Gaur

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the daughter of the petitioner and victim were in a relationship.

The petitioner was falsely implicated in the police case.

Learned Advocate appearing for the State submits that there is an order passed by the writ court in WPA 224 of 2021 dated June 29, 2021 in relation to the police case. The present application for anticipatory bail was filed on June 15, 2021 and is pending since then.

By the order dated June 29, 2021 passed in the writ petition, the writ court returned a finding that there was no apprehension of the police inaction.

Considering the fact that the police filed charge-sheet and considering the gravity of the offence and the involvement of the petitioner therein, we 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/- (Rupees Ten Thousand Only) each 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 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM 4112 of 2021 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)