

22.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2926 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jangipara** Police Station Case No. **29** of **2022** dated **18.02.2022** under Sections 448/323/354B/379/504/34 of the Indian Penal Code, 1860.

And

In Re : Akbar Ali Middya also known as Akbar Ali Middey
..... petitioner

Mr. Sankar Paul
....for the petitioner

Mr. Imran Ali
Ms. Debjani Sahu
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated in view of the previous enmity.

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 161 Cr.P.C. statement of the witnesses.

Considering the fact that the police filed charge-sheet and considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case

diary, we deem it appropriate to enlarge the petitioner on anticipatory bail.

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 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.)

(Bibhas Ranjan De, J.)