

29.06.2022
Serial no.84
Aloke

CRM (A) 3082 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 254 of 2019 dated 22.12.2019 under Sections 448/376/511/506/34 of the Indian Penal Code.

-And-

In the matter of : **Hazarat Sekh**

... .. Petitioner

Mr. Asraf Mandal, Advocate

... .. For the Petitioner

Mr. Imran Ali, Advocate

Mr. Debnani Sahu, Advocate

Ms. Sujata Das, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the complaint was lodged after 64 days of the alleged incident. The police filed charge-sheet, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention to the statement recorded under Section 161 of the Code of Criminal Procedure.

The police case was initiated subsequent to an order passed under Section 156(3) of the Code of Criminal Procedure.

Considering the fact that there is an issue of delay in the lodgment of the first information report and considering the fact that the police filed charge-sheet, we are inclined 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/- (Rupees Ten Thousand Only), 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 appear on every date 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3082 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)