

19.07.2022
Serial no. 07
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 3342 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chopra** Police Station Case No. **201** of **2021** dated **17.03.2021** under Sections **376** of the Indian Penal Code.(corresponding to G.R. No. **618 of 2021**)

-And-

In the matter of : **Mustakul Haque @ Mukhtarul**

... ... Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Shaharayar Alam,
Mr. Sourav Mondal,, Advocates
... ... *For the Petitioner*

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Imran Ali,
Mr. Mirza Firoj Ahmed Begg, Advocates
... ...*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He draws the attention of a police complaint of 2021. He submits that the petitioner was arrested therein and enlarged on bail. The present complaint relates to an incident of 2 days trial to the earlier police complaint. The present police complaint is at the behest of some persons who were involved in the previous police complaint where the petitioner was enlarged on bail.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

There is an element of false implication of the petitioner involved in view of the present police complaint

being lodged of an incident happening two days prior to the police complaint where the petitioner is on bail.

In such circumstances, 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation 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) 3342 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)