

08.08.2022
Serial no.7
Aloke

CRM (A) 3762 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Rampurhat Police Station Case No. 78 of 2021 dated 23.02.2021 under Sections 341/325/326/307/506 of the Indian Penal Code.

-And-

In the matter of : **Asraf Khan @ Md. Hossain Asraf**
@ Asraf Hossain

... .. Petitioner

Mr. Pawan Kr. Gupta, Advocate
Mr. Arnab Saha, Advocate
Mr. A. Banerjee, Advocate

... .. For the Petitioner

Mr. Arijit Ganguly, Advocate
Mr. Sujan Chatterjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is the victim in a murder case. The brother of the petitioner was murdered at the behest of the de facto complainant and his men. The murder trial is ongoing. During the evidence of the murder trial being recorded, the de facto complainant and his men entered into the village and tried to create an incident. The petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention to the injury report of the victim and to the materials in the case diary.

There is an issue of false implication involved in view of the previous murder case and trial in respect thereof.

In such circumstances, 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/- (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 condition that the petitioner shall meet 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) 3762 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)