

10.08.2022

32

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3825 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1224** of **2021** dated **18.09.2021** under Sections 341/325/379/506/34 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act.

And

In Re : Abdul Aref @ Arif

..... petitioner

Mr. K. M. Rahman

....for the petitioner

Mr. Amitava Karmakar

Mr. Arup Kumar bhowmik

....for the de-facto complainant

Mr. Neiguive Ahmed

Mr. Iqbal Kabir

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated due to political rivalry.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. In reply to query of the Court, he submits that, no fire arm was recovered from the possession of the petitioner. No person suffered any injury. He, however, refers a post on the social media platform. He submits that, none of the persons could identify the person of the photograph of social media post.

Learned advocate appearing for the de-facto complainant refers to the social media post.

Since, nothing was recovered from the possession of the petitioner and since no person suffered any injury and since nobody is in a position to identify the person involved in the social media post, 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/-, 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 meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

