

11.01.2022
Ct. No. 32
Sl. No.25
akd

C. R. M. 8086 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: ***Saidur Rahaman @ Saidul***

... .. Petitioner

Mr. Sujoy Sarkar

... .. for the petitioner

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor

Mrs. Debjani Sahu

... .. for the State

Apprehending arrest in connection with Chanchal Police Station Case No.972 of 2020 dated 22.10.2020 under Sections 392/395/412 of the Indian Penal Code, the instant application has been filed praying for anticipatory bail.

Mr. Sarkar, learned advocate appearing for the petitioner, submitted that the name of the present petitioner transpires from the statement of a co-accused. On one occasion the complainant refused to attend the T.I. Parade. Charge sheet has been filed for which further custodial detention is not necessary. Accordingly, he prays for anticipatory bail.

Per contra, Mr. Ahmed, learned advocate appearing for the State, submitted that the present petitioner's name is there in the case diary as the participant of the offence. He admitted that in one occasion the complainant did not attend the T.I. Parade. However, he stated that incriminating elements are there against the present petitioner for which he opposes the prayer for anticipatory bail. In our query, Mr. Ahmed submitted that no criminal antecedents is there against the present petitioner.

We have perused the case diary and heard the rival submissions. It appears that the present petitioner's name appears from the statements of witnesses but no overt act is attributable to the present petitioner. He was only a bystander at the place of occurrence. No recovery is made from the present petitioner. We also find statement of the complainant where he stated that he is not willing to attend the T.I. Parade to identify accused person. It also appears that charge sheet has been filed and investigation is complete. On perusal of the case diary and other materials and considering the extent of incriminating elements, we are inclined to allow the prayer for anticipatory bail to the present petitioner.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Saidur Rahaman @ Saidul**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the Arresting Officer and also 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 not enter into the jurisdiction of Chanchal Police Station until further orders.

It is further directed that the petitioner shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8086 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)