

25.01.2022

Court No.32
Item No.26
suvayan

C.R.M. 8783 of 2021

[Via video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Rabiul Islam @ Rabiul Hossain**

...Petitioner.

Mr. Soupal Chatterjee

... for the Petitioner.

Ms. Kum Kum Mitra

... for the State.

Apprehending arrest in connection with Harishchandrapur Police Station Case No.894 of 2021 dated 03.12.2021 under Sections 448/376/511/506 of the Indian Penal Code,1860, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there is a long standing dispute pertaining to possession of a plot of land between the parties and the petitioner has been falsely implicated on the basis of a belated complaint. Such delay has also not been explained. In view thereof, exaggerated account of the incident cannot be totally ruled up. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Ms. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim lady, who is aged about 37 years, as recorded under Section 161 and Section 164 of the Code.

Heard the learned Advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are inconsistencies in the contents of the complaint and the statements of the victim, as recorded under Section 161 and Section 164 of the Code. The victim lady also refused medical. Considering the nature of accusations, the delay in lodging the complaint and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary. As such, the petitioner's prayer for anticipatory bail is allowed. However, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rabiul Islam @ Rabiul Hossain** 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 local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that the petitioner shall not enter the jurisdiction of Harishchandrapur Police Station save and except for meeting with the investigating officer of the case once a week till the investigation is complete. The petitioner shall intimate the address where they would be residing to the investigating officer immediately.

The petitioner shall also attend the learned Court below on all the dates as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

The application for anticipatory bail, being CRM No. 8783 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.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)