

25.01.2022

Court No.32
sourav/49

C.R.M. 8854 of 2021

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

And

In re: **Reazaul Karim.**

-Petitioner

Mr. Asfak Ahammed

... for the Petitioner.

Mr. Anand Keshari

... for the State.

Apprehending arrest in connection with
Chanchal Police Station Case No. 137 of 2021 dated 21.02.2021
under Sections 448/376/511/323/325/307/354/379/34 of
the Indian Penal Code, the petitioner has filed the present
application.

Mr. Ahammed, learned advocate appearing for the
petitioner submits that the petitioner has been falsely
implicated in view of previous enmity. The complaint has been
lodged about 20 days after the alleged incident and such delay
has not been explained. The present complaint has been lodged
as a counter-blast to an earlier complaint lodged by the
petitioner's wife. Other co-accused persons have been granted
anticipatory bail by the learned Sessions Court. Upon
completion of investigation, charge-sheet has already been
submitted and as such custodial detention is not necessary.

Mr. Keshari, learned advocate appearing for the State
opposes the petitioner's prayer and draws our attention to

several documents in the case diary including the statement of the victim lady, as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the manner in which the offence has taken place, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, moreso when, upon completion of investigation charge-sheet has been submitted.

Accordingly, in the event of arrest the petitioner, namely, **Reazaul Karim** 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, 1973 with a further condition that the petitioner shall not enter the jurisdiction of Chanchal Police Station until further orders save and except for attending the learned Court below on all the dates as specified for hearing.

The petitioner shall also intimate the address where he would be residing to the Officer-in-Charge of the Chanchal Police Station.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned

court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8854 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.)