

28.01.2022
Item no. 06
Court No.32
Avijit Mitra

C.R.M. 9006 of 2021 (Through Video Conferencing)

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

And

In Re : Nasim Uddin Mallick

.... petitioner

Mr. Nahid Rahman

....for the petitioner

Mr. Pravash Bhattacharya,

Ms. Debjani Sahu

..... for the State

Apprehending arrest in connection with Pandua Police Station Case No.285 of 2021 dated 08.07.2021 under Sections 498A/494/406/34 of the Indian Penal Code, the present application has been preferred.

Mr. Rahman, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The complaint was lodged belatedly and the delay has also not been explained. The petitioner has complied with Section 41A notice and is cooperating with the investigation. In view thereof, custodial interrogation may not be necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioners in the alleged offence and since the petitioner has

complied with Section 41A notice, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Nasim Uddin Mallick**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 meet with the Investigating Officer of the case once a fortnight till investigation is complete.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.9006 of 2021 is 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.)

