

31.10.2022
Serial no.21
Aloke

CRM (A) 4671 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 347 of 2022 dated 26.08.2022 under Sections 363/365/34 of the Indian Penal Code.

-And-

In the matter of : **Mir Najir Ali**

... .. Petitioner

Mr. Md. Sabir Ahmed, Advocate
Mr. Mahim Sasmal, Advocate

... .. For the Petitioner

Mr. Debabrata Chatterjee, Id. APP
Mr. Santanu Chatterjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the son of the petitioner was brutally assaulted by the family members of the de facto complainant. He refers to the x-ray report of the son of the petitioner. He submits that the victim was never abducted.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure narrates an incident of August 25, 2022 at about 9.30 p.m. in the evening.

The son of the petitioner was being medically treated on August 25, 2022. The x-ray report gives a time of 23.31 hours.

The issue of false implication of the petitioner in the present police case cannot be overlooked at this stage.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 4671 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)