

CRM (A) 5162 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 487 of 2022 dated 06.09.2022 under Sections 376/450 of the Indian Penal Code.

-And-

In the matter of : **Mainul Hoque**

... .. Petitioner

Ms. Sucheta Banerjee, Advocate

... .. For the Petitioner

Mr. Imran Ali, Advofate

Mr. M.F.A. Begg, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police complaint is a result of disputes relating to immovable property. The petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the mother-in-law of the victim.

In both the statements, the persons making the statements claimed that the mother-in-law of the victim was pushed and suffered injuries.

The victim was medically examined where the doctor is of the view that there is nothing to suggest that the victim was sexually assaulted or not. There is no injury report of the mother-in-law of the victim.

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 once in a week 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) 5162 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)