

CRM (A) 5036 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 475 of 2022 dated 19.06.2022 under Sections 448/436/34 of the Indian Penal Code.

-And-

In the matter of : **Mosaraf Hossain alias Mosarab Hossain & Ors.**

... .. Petitioners

Mr. Sabir Ahmed, Advocate
Mr. Abdul aziz Mondal, Advocate

... .. For the Petitioners

Mr. P.K. Datta, Id. APP
Mr. Santanu Deb Roy, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The present police complaint is a counter blast to another police complaint lodged at the behest of the petitioner.

Learned Advocate appearing for the State draws the attention to the materials in the case diary.

The statement recorded under Section 161 of the Code of Criminal Procedure as placed before this Court does not inspire much confidence.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 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 no. 1 will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner nos. 2 and 3 will cooperate with the investigation till the conclusion of the investigation and on further condition that the

petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5036 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)