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(AD) 08.12.2022

Court No.29
(Allowed)

C.R.M. (A) 5364 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kakdwip** Police Station Case No.**213 of 2022** dated **15/07/2022** under Sections **409/120B** of the Indian Penal Code, 1860.

And

In the matter of: **Habibullah**

....petitioner.

Mr. Anirban Datta
Mr. Saudull Abedin
Ms. Puja Singh

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sreeparna Das

...for the State.

The application is taken up for hearing subsequent to the order dated November 24, 2022.

Learned Advocate appearing for the State submits that the State requires further time to verify the documents submitted with the application for anticipatory bail.

It is the case of the petitioner that the petitioner was conducting a *bona fide* business. In support of such contention, the petitioner relies upon various documents in the application for anticipatory bail.

The State sought time on the previous occasion to verify such documents.

Apparently, the verifications are incomplete.

On similar circumstances, the petitioner approached this Court and obtained an order for anticipatory bail on September 14, 2022 passed in CRM (A) 4332 of 2022.

In the facts of the present case, apparently, it transpires that the petitioner sold and delivered products to various parties. The present complaint relates to such products.

The police filed charge sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Learned Advocate appearing for the State submits that the police are conducting further investigations. He submits that in the event, the police comes across any materials establishing that the documents relied upon by the petitioner in the application for anticipatory bail is false then leave may be granted to the State to apply for cancellation of the bail granted.

Needless to say that if the State finds that any of the documents relied upon by the petitioner is false, the State is at liberty to approach the Court for appropriate reliefs.

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 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5364 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)