

24.11.2022
Serial no.7
Aloke

CRM (A) 5372 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Labpur Police Station Case No. 96 of 2021 dated 16.06.2021 under Sections 406/420/506/34 of the Indian Penal Code.

-And-

In the matter of : **Nurul Islam**

... .. Petitioner

Mr. Moniruzzaman, Advocate

... .. For the Petitioner

Mr. Madhususan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the brother of the petitioner is a political person who changed his allegiance of a political party. Subsequent thereto the brother of the petitioner was implicated in false criminal cases. The petitioner is now being proceeded against also. He submits that the brother of the petitioner was enlarged on anticipatory bail from time to time by the High Court.

Learned Advocate appearing for the State draws the attention of the Court to the statements of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure and to the other materials in the case diary. He submits that there are at least five criminal cases as against the petitioner.

The allegations as against the petitioner relates to money being taken by the petitioner on the promise of government job. There is no material in the case diary to substantiate/corroborate the claim of the de facto complainant that money was paid.

The money was allegedly paid in the year 2016. The police complaint was lodged in the year 2021. According to the

petitioner, the police complaint was subsequent to the change of political allegiance. The petitioner was enlarged on anticipatory bail from time to time passed by the High Court.

Apparently, from the case diary it appears that one raid was held that too on October 11, 2021 to apprehend the petitioner.

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 will report before the Investigating Officer once in a month 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) 5372 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)