

CRM (A) 212 of 2022

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Abdul Hoque**

..... petitioner

Ms. Rima Sardar

.....For the petitioner

Mr. Niloy Chakraborty
Mr. Sourav Ganguly

.....For the State

Apprehending arrest in connection with Phansidewa Police Station Case No. 251 of 2018 dated 11/10/2018 under Sections 498A, 494, 363 of the Indian Penal Code, the present application has been preferred.

Ms. Sardar, learned advocate appearing for the petitioner submits that no notice under Section 41A of the Code has been served upon the petitioner. The allegations levelled are unfounded and in the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Chakraborty, learned advocate appearing for the State has not been able to show that any notice under Section 41A was served upon the petitioner. He, however, submits that there are incriminating materials on record against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Abdul Hoque** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the investigating officer as and when called for and shall cooperate with the investigation.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 212 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order
duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)