

05.01.2023

19

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 15 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Paikar** Police Station Case No. **255** of **2022** dated **05.12.2022** under Sections 363/365 of the Indian Penal Code, 1860.

And

In Re : Rabiul Islam @ Rabiul Islam Molla & Ors.

..... petitioners

Mr. Sabir Ahmed

Md. Kutubuddin

Mr. Abdur Rakib

....for the petitioners

Mr. Sudip Ghosh

Mr. Apurba Kumar Dutta

....for the State

There is a statement recorded by the victim under Section 164 of the Code of Criminal Procedure, which states that the victim went away voluntarily.

The victim refused to undergo any medical examination.

In such circumstances, we 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/- 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 further condition that the petitioner nos. 1 (Rabiul Islam @ Rabiul Islam Molla) and 2 (Abu

Torab Mollah) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no. 3 (Arsema Bibi [Dolena]) shall cooperate with the Investigating Officer till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)