

16.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 170 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **318** of **2022** dated **26.04.2022** under Sections 498A/323/302/34 of the Indian Penal Code, 1860.

And

In Re : Muktar Hossain @ Muktar Hosen

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Partha Sarathi Das

Ms. Eshita Dutta

....for the State

The police case was registered, inter alia, under Section 302 of the Indian Penal Code, 1860.

The post mortem report of the victim suggests that the death was due to the effects of deceased condition of organs, a natural cause.

The petitioner sets up a defence of alibi also. According to the petitioner, he was at Mumbai at the relevant point of time. In support of such contention, reliance is placed on railway ticket annexed to the petition.

In such circumstances, we 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/-, 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 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)