

08.02.2023

Sl.3
Court No.29
(AD)
(Allowed)

C.R.M. (A) 508 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kulti** Police Station Case No.**721 of 2022** dated **29.11.2022** under Sections **447/323/325/354B/379/384/506/34** of the Indian Penal Code.

And

In the matter of: **Sabab Alam Alias Arman**

....petitioner.

Mr. Tapas Kumar Bhattacharya

Mr. Aviroop Bhattacharya ... for the petitioner.

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

The victim recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that she was assaulted and that money and mobile phone were snatched.

It appears from the case diary that the Investigating Officer asked the de facto complainant as to the injury report with regard to the assault. The de facto complainant is yet to make over her injury report to the Investigating Officer.

There are statements recorded under Section 161 of the Code of Criminal Procedure of neighbours who claimed that there was an incident of assault.

The assault does not appear to be of such a nature which

resulted in grievous hurt.

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/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will report before the Investigating Officer once a week 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 508 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)