

30.03.2023
Serial no. 22
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1329 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **168** of **2022** dated **17.05.2022** under Sections **448/376/323/354/307/34** of the IPC corresponding to G.R. Case no. 1204/2022.

-And-

In the matter of : **Sarful Hoque**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Imdadul Hoque, Advocate
... .. *For the Petitioner*

Mr. S. S. Imam,
Mr. R. Jana, Advocate
... ..*For the State*

There is a previous police complaint involving POSCO Act, 2012 as against the family members of the de facto complainant.

The victim herein although recorded a statement under Section 164 of the Criminal Procedure Code but refused to undergo medical examination.

There is a possibility of false implication.

Police filed charge sheet.

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 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) 1329 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)