

02.05.2023

Serial no. 07

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1765 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bharatpur** Police Station Case No. **199** of **2017** dated **01.06.2017** under Sections **448/376/323/379/34** of the IPC.

-And-

In the matter of : **Khusirul Sk.**

... .. Petitioner

Mr. Manas Kr. Das,

Mr. Aritra Kr. Thokdar, Advocates

... .. For the Petitioner

Md. Anwar Hossain,

Ms. Ratna Ghosh, Advocates

... ..For the State

Petitioner produces his passport in Court to contend that he was not present in the place of occurrence at the relevant point of time. In fact he was out of Indian from 2016 till February 2023.

The passport produced in Court suggests that the petitioner left the country on December 10, 2016 and returned on February 11, 2023. The date of incident is on December 20, 2016.

In such circumstances, considering the fact that the petitioner was not in the country and considering the materials in the case diary, 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) 1765 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)