

23.08.2023
SL. 5
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2292 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Garden Reach** Police Station Case No. **62 of 2023** dated **16.05.2023** under Sections **328/376/506** of the IPC.

And

In the matter of: **Niaz Mohammad**

....petitioner.

Mr. Syed Shahid Imam
Mr. Mohammad Khairul

...for the petitioner.

Mr. Rudradipta Nandy, APP
Ms. Sonali Das

...for the State.

1. Heard learned Counsel for both the parties.
2. The report submitted by learned Counsel for the State be taken on record.
3. From the report of the Biswarup Duta, S.I. of Garden Reach P.S. it is found that the petitioner has appeared before him and cooperated in the investigation.
4. From the record and submission of learned Counsel for the petitioner, we find that the victim is in the habit of making such allegation against different persons at different times and at least three cases including the present one it brought to our notice.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, the circumstances attending and following the transaction and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2292 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

