

25.07.2023
(D/L 20)
Ct. No.29
Allowed
(SKB)

CRM (A) 2638 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mothabari P.S. Case No.375 of 2022 dated 15.09.2022 under Section 379 of the Indian Penal Code with adding Section 411/413 of the IPC corresponding to G.R. Case No.5795 of 2022.

In the matter of : Musaraf Hoque

... Petitioner

Mr. Musharraf Alam Sk.
Mr. Sujoy Sarkar

... for the petitioner

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata

... for the State

1. Heard the learned Counsel for the parties.
2. It is fairly submitted at the Bar that the basis of implication of the present petitioner is the statement of the co-accused and there is no record of past criminal antecedent against the petitioner.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned CJM, Malda in the G.R. Case No.5795 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and

conditions as deemed just and proper in the facts and circumstances of the case.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 2638 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)