

29.08.2023
SL. 15
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3266 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Garbeta** Police Station Case No. **597** of **2022** dated **08.10.2022** under Section **395** IPC (corresponding to G. R. Case No. 784 of 2022).

And

In the matter of: **Sk Moidul @ Mohidul Islam**

....petitioner.

Mr. Mukteswar Maity

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

... for the State.

1. Heard learned Counsel for the parties.
2. Charge-sheet is stated to have been filed.
3. One of the co-accused persons on similar footing with the petitioner is stated to have been released on anticipatory bail by the Court of Sessions.
4. In view of filing of charge-sheet, we do not find any justification for custodial interrogation of the petitioner.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Garbeta in G.R. Case arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioner shall appear before the learned Trial Court on

each date of substantive hearing subject to provision of Section 317 Cr.P.C.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3266 of 2023** is disposed of.
8. Learned Additional Chief Judicial Magistrate, Garbeta is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

