

15.6.2023

Sl. No.33

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 359 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 26 of 2023 dated 23.01.2023 under Sections 305/34 of the Indian Penal Code.

And

In Re: ***Miyan Afiyara Rahaman @ Apiyar Hossain @ Afiyara Rahaman @ Afiyar Hossain***

... .. Petitioner

Mr. Bhaskar Roy Mahashaya

Mr. Sannidhya Dutta

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Kallol Nag

... .. for the State

1.Heard the learned Advocates appearing for the parties.

2.Learned counsel appearing for the petitioner submits that the petitioner is innocent and the son of the petitioner has already been surrendered before the learned A.C.J.M, Alipurduar on 13th June, 2023.

3.Learned counsel appearing for the State opposes the prayer for anticipatory bail.

4.Having considered the materials available in the case diary, the nature of involvement of the petitioner in the commission of alleged offence and the fact that the principal accused has already surrendered before the trial court, we are of the view that the custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and also 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 meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

6. The application for anticipatory bail is, thus, disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)