

15.6.2023

Sl. No.30
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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM (A) 375 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar Police Station Case No. 157 of 2023 dated 10.03.2023 under Sections 417/376/313/506 of the Indian Penal Code.

And

In Re: ***Mainul Haque @ Mainul Islam @ Mainul Hoque***
... .. Petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
... .. for the petitioner

Mr. Bikash Singha
... .. for the De-facto Complainant

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee
... .. 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 he has been falsely implicated.

3.Learned counsel appearing for the State and the de-facto complainant in opposing the prayer for anticipatory bail has submitted that the de-facto complainant has directly implicated the petitioner in the commission of alleged offence.

4.Having considered the materials available in the case diary and the fact that the de-facto complainant is a widow having a child of 11 years and the nature of complicity of the petitioner in the commission

of alleged offence, 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.)