

03.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1095 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No. 02 of 2024 dated 02.01.2024 under Sections 323/324/420/406/506/120B of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate at Serampore, Hooghly.

And

In Re : Asfar Ali Khan @ Afsar petitioner

Md. Wasim Akram

.....for the petitioner

Mr. Shekhar Barman

....for the State

1. Petitioner submits the dispute is civil in nature and the allegation of physical assault is out and out false. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner entered into an agreement for sale of immovable property. However, the property was not registered in favour of the de facto complainant. Petitioner has also not refunded the sum. Profile of the allegations portray a civil dispute. No medical report supporting allegation of physical assault is placed on record.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)