

13.06.2024

Court No.29

Item No. 13

Allowed

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CRM (A) 1935 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 81 of 2024 dated 08.03.2024 corresponding to G.R Case No. 1145 of 2024 under Sections 341/325/307/506 of the Indian Penal Code.

And

In Re: **Abu Raihan Sk. @ Abu Rihan**

Petitioner

Mr. Jisan Iqbal Hossain

For the Petitioner

Ms. Sonali Das

Mr. Debarshi Brahma

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and due to trade rivalry he has been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has stated that the F.I.R before the police directly implicated the petitioner. Learned counsel has referred to the injury report. Apparently, there was free fight between the parties that had resulted an injury to the de-facto complainant.
3. Considering the materials available in the case diary, the nature of the injury and the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Abu Raihan Sk. @ Abu Rihan** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, , subject to the satisfaction of the Arresting Officer and also to comply with

the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad corresponding to G.R. Case No. 1145 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)