

02.07.2024
SL No.14
Court No.29
TN
(Allowed)

CRM (A) 2014 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No.538 of 2023 dated 10.09.2023 under Sections 489B, 489C, 34 of the Indian Penal Code.

And

In the matter of : **Jiyaul Hoque @ Jiyaul Haque.**

- petitioner.

Mr. Sagar Saha

....for the petitioner.

Mr. Anindya Sundar Chatterjee

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. He further submits that co-accused have been granted regular bail by a coordinate Bench of this court.
2. The learned Counsel for the State submits that the name of the petitioner transpires during interrogation of the co-accused persons and there are telephonic conversations between the petitioner and one of the co-accused persons.
3. Considering the materials available in the case diary and having regard to the nature and extent of involvement of the petitioner in the commission of the alleged offence and that the contents of the CDRs are yet to be ascertained and also that the 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, **Jiyaul Hoque @ Jiyaul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, 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. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
5. It is further directed that the petitioner shall appear each and every date of hearing before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)