

13.08.2024
Court No.29
Item No. 26

Allowed
sg

CRM (A) 2440 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Suti Police Station Case No. 128 of 2024 dated 21.02.2024 under Sections 448/323/376/511/506/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Murshidabad at Jangipur.

And

In Re: **Ajijul Hoque @ Azizul Sk.**

Petitioner

Mr. Sujoy Sarkar
Mr. Anisur Rahman
Mr. Rahul Chachan
Ms. Sneha Srivastava

For the Petitioner

Mr. Arnab Chatterjee
Ms. Sreetama Das

For the State

Mr. Ranadeb Sengupta

For the de-facto complainant

1. The learned Counsel for the petitioner submits that the petitioner is the father-in-law of the victim. On 1st August, 2023 he has gifted some portions of his share to the husband of the de-facto complainant. Since a pressure was created upon the petitioner for more properties, a false complaint has been lodged.
2. The learned Counsel appearing on behalf the State has produced the case diary and opposed the prayer for anticipatory bail.
3. The learned Counsel for the de-facto complainant has submitted that prior to this incident, there was an earlier incident which the son of the petitioner was assaulted. The defacto complainant is the victim.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the communications made to the Superintendent of Police and application under section 156(3) of the Code of Criminal Procedure read with the statement recorded under Section 164 of the Cr.P.C. noticing prevarication and embellishment prima facie a case of false implication cannot be ruled out and also considering the statement made by her in the complaint as well as before the learned Magistrate while recording her statement under Section 164 of the Code of Criminal Procedure and considering injury report which appears to be insignificant, we are inclined to grant anticipatory bail to the present petitioners.
5. Accordingly, we direct that in the event of arrest the petitioner namely, **Ajjul Hoque @ Azizul Sk**, 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. once in a week till the submission of final report and with further conditions that the petitioner shall stay outside the jurisdiction of Suti Police Station and shall provide the address where he will stay, to the I.O. and the officer in charge of the police station where the petitioner shall be residing. The petitioner shall not enter the jurisdiction of Suti Police Station except for the purpose of meeting the I.O. and attending the court proceedings till the submission of final report and the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Murshidabad at Jangipur within two weeks from date.

6. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)