

03.01.2024

112
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4456 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **382** of **2023** dated **10.6.2023** under Section 411/413/414/34 of the Indian Penal Code.

And

In Re: Asraf Sk. @ Md. Asraf Sk.

..... petitioner

Mr. Kazi M. Rahaman

....for the petitioner

Mr. P.K. Datta

Mr. Santanu Deb Roy

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023, passed by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

Co-accused alleged during his custody that, the co-accused was about to sell contraband articles to the petitioner. Nothing was recovered from the possession of the petitioner.

In such circumstances, we confirm the interim order dated October 16, 2023.

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 further condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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 the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)