

04.01.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4507 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Parui** Police Station Case No. **115** of **2023** dated **19.8.2023** under Sections 341/323/354/448/506 of the Indian Penal Code.

And

In Re : Nazir Hossain Sk.

..... petitioner

Ms. Rita Patra

Ms. P Das

Mr. A. Momen

....for the petitioner

Mr. Sujan Chatterjee

....for the State

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

There is a statement recorded under Section 164 Cr.P.C. which speaks of attempt of a molestation.

Statement remains uncorroborated at this stage.

There is a contention of the petitioner of false implication due to family rivalry cannot be overlooked.

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 meet the Investigating Officer once a fortnight 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.)

