

04.01.2024
Item No.114
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4562 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Asansol North** Police Station Case No. **259** of **2023** dated **05.07.2023** under Sections **341/323/325/384/385/420/124B/34** of the Indian Penal Code and Sections **25/27** of Arms Act.

And

In the matter of : Ghulam Sarwar

..... petitioner

Mr. Sourav Chatterjee,
Mr. Karan Dudhwewala,
Mr. Shahrukh Raja
....for the petitioner

Mr. Neguive Ahmed, Ld. A.P.P.
Ms. Ayantika Roy
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, the petitioner is being falsely implicated. Petitioner belongs to rival political party.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Apparently, the police complaint relates to assault and extortion.

Two cheques were allegedly issued by the de facto complainant in the process of extortion. None of those cheques are in favour of the petitioner before us.

Possibility of false implication 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/- (Rupees Ten Thousand only), 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 petitioner shall meet the Investigating Officer once in a month till the conclusion of 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4562 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)