

10.01.2024

218
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4873 of 2023

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **218** of **2023** dated **19.04.2023** under Sections 379/406/506/395/397/34 of the Indian penal Code.

And

In Re : Safikul Sha @ Gour @ Safikul Sa

..... petitioner

Mr. Atish Kumar Biswas

Ms. Piyu Mondal

....for the petitioner

Mr. Arijit Ganguly

Mr. Avik Ghatak

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 18, 2023 passed by the Coordinate Bench.

By such order dated October 18, 2023, the petitioner was enlarged on an interim anticipatory bail.

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

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. Petitioner is the husband of the winning candidate in the Gram Panchayat election who belongs to a rival political party.

Learned advocate appearing for the State refers to the materials in the case diary.

We perused the materials in the case diary.

Possibility of false implication cannot be overlooked at this stage given the fact that the husband of the petitioner is a winning candidate in the Gram Panchayat election.

Police filed charge sheet.

In such circumstances, we confirm the interim order dated October 18, 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. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

