

CRIMINAL MISC.CASE No.613 of 2022  
Regd.No.264 of 2022  
J.O.Code WB 00681

Order no: 02  
Dated: 18.11.2022

This is an application under Section 438 of Cr.P.C. by the accused/ petitioner viz; Amzad Khan who apprehends that he may be arrested in connection with Bagdogra P.S.case No.448/22 dated 15.09.2022 U/s 341/323/354/354B/506 IPC corresponding to GR Case No. 4144/2022 pending in the Court of Ld. ACJM, Siliguri and prays for pre-arrest bail.

It is submitted by the Learned Counsel for the accused/petitioner that no application U/S 438 of the Cr.P.C.is rejected by any court earlier or pending before the Hon'ble High Court. The petitioner has sworn an affidavit to that effect. The Learned P.P. also submits that there is no indication in the C.D. regarding pendency or previous rejection of any application U/s 438 of the Cr.P.C.

The Learned Advocate for the petitioner submits that the petitioner has been falsely implicated. He has a permanent place of residence. There is no chance of his absconson.

The Learned P.P. opposes and submits that on completion of investigation, charge sheet has been submitted.

Heard Learned Counsels for the parties.

Perused the materials on record and in the C.D.

It is alleged that the accused in a drunken state assaulted the son of the FIR- maker with fists ,blows and kicks and abused him in filthy languages. When the FIR- maker, being his mother went to rescue the accused, slapped her, pushed her on her chest, touched her private parts and tried to undress her.

On perusal of the C.D. it appears that investigation has been completed and charge sheet U/s 341/323/354/354B/506 of the IPC is ready to be submitted before the Learned ACJM, Siliguri. In the circumstances, there appears to be no necessity of custodial interrogation. Accordingly, considering nature and seriousness of the offence alleged and the materials in the C.D. the prayer for anticipatory bail is allowed.

In the event of arrest, the accused/petitioner viz; **Amzad Khan** be enlarged on bail on furnishing bond of Rs. 3000/- with two registered sureties of Rs. 1500/- each subject to satisfaction of arresting Officer with usual terms and condition as embodied U/s 438 (2) Cr.P.C.

The Criminal Misc Case is disposed of.

Return LCR and CD.

Send a copy of this order to the O/c Bagdogra P.S. for information and taking necessary action.

Dictated and corrected  
by me,

Sessions Judge,  
Darjeeling

( BINAL KANTI BERA)  
J.O.Code WB 00681  
Sessions Judge,  
Darjeeling