

Present :- Sri Partha Pratim Chakraborty, Sessions Judge, Cooch Behar.
J.O. Code – WB01240

Order No.04 dated 28-10-2022

This is an application u/s-438 Cr.P.C. filed by the accused petitioner namely **Nasir Hossain @ Nasir Uddin Mia** who apprehends arrest in connection with Kotwali P.S. Case No.609/2022 dated 08-06-2022, u/s-341/326/379/506/34 of the I.P.C., corresponding to G.R. Case No.916/2022.

Ld. Counsel Shri Ranjit Bhattacharya appears to move the case on behalf of petitioner.

Ld. P.P. is present with C.D.

L.C.R. is lying with the record.

The Misc. Case is taken up for hearing.

At the outset, Ld. Counsel for the petitioner submits that the accused petitioner never filed any application u/s-438 Cr.P.C. before this Court or before the Hon'ble High Court or any other superior Court or rejected by this Court or by the Hon'ble Court or any other superior Court or is pending for disposal before the Hon'ble Court or any other superior Court.

Ld. Counsel for the petitioner draws my attention to the affidavit relating to such fact.

Ld. P.P. submits that there is no indication in the case diary which goes to suggest that prayer for anticipatory bail of the accused petitioner had either been rejected by this Court or by the Hon'ble Court or is pending before the Hon'ble Court for disposal.

Heard both sides.

Ld. Counsel for the accused petitioner submits that the accused petitioner is innocent and he has been falsely implicated in this case. So, he prays for bail of the petitioner on any condition.

On the other hand, Ld. P.P. opposed the bail prayer.

Perused the L.C.R. and the C.D.

Perused the statement of the witnesses recorded u/s-161 Cr.P.C.

Considered the injury report at page No.22 of the C.D.

After considering the facts and circumstances and nature of the case, it appears to me that in this nature of case custodial detention will not serve any substantial purpose in the process of investigation.

In view of the above, prayer for anticipatory bail of the accused petitioner is allowed.

In the event of arrest, the accused petitioner namely **Nasir Hossain @ Nasir Uddin Mia** be enlarged on bail on furnishing bond of Rs.5,000/- with two registered sureties of Rs.2,500/- each along with cash bond of Rs.5,000/- with further condition that he will meet the I.O. once in a fortnight till completion of investigation subject to satisfaction of the arresting officer subject to fulfillment of the conditions as enumerated in Section 438(2) Cr.P.C. as follows :-

1) that the petitioner shall make himself available for interrogation by the investigating officer as and when required;

2) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(Contd....)

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3) that the petitioner shall not leave the jurisdiction of this Court without the previous permission of the Court.

Thus, the instant Criminal Misc. Case is disposed of.

C.D. and L.C.R. be returned at once.

Dictated & Corrected by,

Sd/-
**Sessions Judge,
Cooch Behar.**

Sd/-
**Sessions Judge,
Cooch Behar**