

Present :- Sri Kallol Kumar Das, Vacation Judge, Cooch Behar (J.O. Code –WB00668).

Order No.03 dated 15-10-2022

Today is fixed for hearing of this Criminal Misc. Case.

This is an application u/s-438 Cr.P.C. praying for bail by the accused petitioner namely **Bablu Barman** in connection with Mathabhanga P.S. Case No.274/2022 dated 22-05-2022 u/s-498A/307 of the I.P.C. corresponding to G.R. Case No.566/2022 apprehending arrest by the police of Mathabhanga P.S. and thus, he prayed for bail.

Ld. Advocates for both sides are present.

The Misc. Case is taken up for hearing.

Received the L.C.R. and the C.D.

At the outset, Ld. Advocate for the petitioner submits that no application for anticipatory bail of the petitioner had either been rejected by the Hon'ble Court or is pending for disposal before the Hon'ble Court.

Ld. Advocate 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 bail of the accused petitioner had either been rejected by the Hon'ble Court or is pending before the Hon'ble Court for disposal.

Heard Ld. Counsel for the petitioner who submits that his client is innocent and charge sheet has already been submitted and warrant has been issued against the accused petitioner. So, he prays for bail of the petitioner on any condition.

On the other hand, Ld. P.P. leaves the matter to the discretion of this Court.

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

It is found that other accused persons of this case are already obtained bail from the lower Court. It is found that the charge sheet has already been submitted and cognizance has already been taken.

In this circumstances, I am of the view that custodial interrogation of the present accused petitioner is not required for the purpose of investigation.

Hence, prayer for anticipatory bail of the accused petitioner is allowed.

Hence, it is, ordered,

that the accused petitioner namely **Bablu Barman** shall be released on bail on the event of his arrest with bond of Rs.2,000/- with one registered surety to the satisfaction of the arresting authority on condition that he shall comply the provision of Section 438(2) Cr.P.C. with a direction to appear before the Court of Ld. A.C.J.M., Mathabhanga on 31-10-2022 and pray for regular bail.

The Criminal Misc. Case is, thus, disposed of.

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

Dictated & Corrected by,

Sd/-

**Vacation Judge,
Cooch Behar.**

Sd/-

**Vacation Judge,
Cooch Behar**