

Present :- Smt. Sanjukta Sengupta, Vacation Judge, Cooch Behar,
(J.O. Code –WB00856).

Order No.02 dated 12-10-2022

This is an application u/s-438 Cr.P.C. filed by the accused petitioner namely **Aminur Alam Sarkar @ Aminur Alam** who apprehends arrest in connection with Tufanganj P.S. Case No.64/2017 dated 06-02-2017, u/s-363/366A of the I.P.C., corresponding to G.R. Case No.82/2017.

Ld. Advocate appears to move the case on behalf of petitioner.

Ld. P.P-in-charge is present with C.D.

L.C.R. is received.

The Misc. Case is taken up for hearing.

At the outset, Ld. Advocate submitted before this Court 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. Advocate for the petitioner draws my attention to the affidavit relating to such fact.

Heard the Ld. Advocate for the petitioner and he submitted before this court that another accused person Mijanur Alam Sarkar @ Rustam Ali is already on bail and charge-sheet has already been submitted in connection with this case. He also submitted that the present accused is the father-in-law of the victim. He further submitted that the victim and the present accused have got married to each other and they are leading conjugal life. Ld Advocate for the petitioner prays for anticipatory bail of the present accused on the above ground.

Ld. P.P.-in-charge opposed the anticipatory bail application of the accused petitioner.

Perused the materials in the C.D including the statement of the V.G recorded u/s 164 of Cr.P.C.

After taking into consideration and other materials, I am of the opinion that custodial detention of the accused petitioner may not be necessary for the purpose of investigation of this case.

Hence, anticipatory bail prayer of the present accused is allowed.

In the event of arrest, the accused petitioner namely **Aminur Alam Sarkar @ Aminur Alam** be released on bail on furnishing bond of Rs.3,000/- with one registered surety of like amount is 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;

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/-
**Vacation Judge,
Cooch Behar.**

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