

11.11.2021

CRM 6937 of 2021

court no. : 28
Item no. : PB-29
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 25.10.2021 in connection with English Bazar Police Station Case No. 1043 of 2021 dated 24.08.2021 under Sections 195A of the Indian Penal Code. (G.R. Case No. 4516 of 2021)

and

In the matter of: **Md. Abdul Hadi @ Abdul Hadi & Anr.**

.....Petitioners

Mr. Avinaba Patra, Advocate

.....for the Petitioners

Mr. Sudip Ghosh, Advocate

Mr. Bitosok Banerjee, Advocate

.....for the State

Apprehending arrest in connection with English Bazar Police Station Case No. 1043 of 2021 dated 24.08.2021 under Sections 195A of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioners, submits that the instant case has been initiated in order to fulfil the motive in keeping the petitioners behind the bar even after the petitioner no. 1 has already been extended the benefit of Section 438 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 945 of 2020 dated 12.10.2020 under Section 493/417/376/326/506 of the Indian Penal Code. According to the learned Advocate for the petitioners, It is an absolutely false statement and the police is attempting to arrest the petitioners.

Learned Advocate for the State opposes the prayer for bail and submits that the aforesaid complaint has been lodged

by the *de facto* complainant as the petitioners perpetrated threat upon the victim to withdraw the case launched against the petitioner no. 1.

After hearing the respective Counsel and after perusing the materials-on-record, we find that the first FIR was lodged by the *de facto* complainant alleging rape on false promise to marry. Indubitably, the petitioner no. 1 has been extended benefit under Section 438 of the Code of Criminal Procedure by this Court in CRM 955 of 2021 on April 22, 2021 in connection with the aforesaid case. The genesis of the instant complaint originates on an application under Section 156(3) of the Code of Criminal Procedure as the *de facto* complainant alleged that she was threatened by the petitioners. Both the cases are at the stage of investigation. Since the petitioner no. 1 has already been extended the benefit of Section 438 of the Code of Criminal Procedure in connection with the aforesaid case and no further allegation of threat has been made, we do not think this is a case where the custodial interrogation of the petitioners, is necessary. However, to avoid any further allegation to see the light of the day, we intend to put certain conditions while granting anticipatory bail.

The prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioners namely, **Md. Abdul Hadi @ Abdul Hadi & Taiful Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like

amount each, one of whom must be local, to the satisfaction of the arresting officer, on condition as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners shall meet the Investigating Officer once in week and on further condition that they will not enter into the jurisdiction of the concerned police station where the case has been registered except for the purpose of complying with the conditions as enshrined in the order granting anticipatory bail in both the cases.

The application for anticipatory bail being **CRM 6937 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)