

17.11.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7359 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **327** of **2021** dated **12.08.2021** under Sections 498A/376/511/323/325/34 of the Indian Penal Code, 1860.

And

In Re : Utpal Das & Anr.

..... petitioners

Mr. Rudradipta Nandy

Mr. Asraf Mondal

....for the petitioners

Mr. Sourindra Mahapatra

Mr. Subham Bhakat

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, 19 days after the alleged incident, on the order of the Court passed under Section 156(3) of the Code of Criminal Procedure, the First Information Report was lodged. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary and more particularly on the statements recorded under Section 164 of the Code of Criminal Procedure and the injury report of the de-facto complainant.

Considering the gravity of the offence and complicity of the petitioner therein and considering the fact that the de-facto complainant refused medical examination and considering the statement recorded under Section 164 of the Code of Criminal Procedure, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall meet the investigating officer once in a month until further orders and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)