

25.02.2022

04

Ct. No. 29

KAUSHIK

Allowed

C.R.M. (A) 841 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **203** of **2021** dated **19.03.2021** under Sections 447/376D/323/325/379/34 of the Indian Penal Code, 1860.

And

In Re : Yakub Ali @ Iyakub & Ors.

..... petitioners

Ms. Minoti Gomes

Mr. Subhajeet Bhattacharya

Mr. Imdodul Hoque

Mr. S.B. Safdar

.....for the petitioners

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

.....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. She draws the attention of the Court to the fact that Nargis Khatoon lodged a complaint to the proceedings under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.). Finding no headway being achieved therein, the present police complaint was registered through a proceeding under Section 156(3) Cr.P.C.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded

under Section 164 Cr.P.C. and the statements recorded under Section 161 Cr.P.C.

The incident is alleged to occur at 7 P.M. in a locality inhabited by numerous persons. The case diary does not speak of any intervention by outsiders. The possibility of the petitioners being falsely implicated cannot be ruled out entirely in the facts and circumstances of the case. Consequently, 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 condition that the petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation 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.)

(Bibhas Ranjan De, J.)

