

16.03.2022
Sl. 24
Court No.29
sourav
(Allowed)

C.R.M. (A) 1263 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **11.03.2022** in connection with **Ratua** P. S. Case No. **662** of **2021** dated **10.12.2021** under Sections **325/376/34** of the Indian Penal Code.

And

In the matter of: **Sekh Illiash & Anr.**

....petitioners.

Ms. Sujata Das

...for the petitioners.

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

...for the State.

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police complaint was filed at least five weeks after the alleged incident. There is a dispute between the two brothers which the petitioners were embroiled in the present police complaint.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He submits that the police case was started on the basis of the order of the learned Magistrate passed under Section 156(3) of the Criminal Procedure Code.

Considering the fact that there is a time lag between the date of the alleged incident and the recording of the police case at the instance of the defacto complainant and considering her statement recorded under Section 164 of the Criminal Procedure Code and considering the relationship between the defacto complainant and the petitioners and considering the fact that the claim of the petitioners that they were falsely implicated due

to property disputes between the petitioner no. 1 and his brother cannot be discounted at this stage, 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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no. 1 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 will co-operate with the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1263 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

