

23.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1353 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **13** of **2022** dated **07.01.2022** under Sections 498A/306 of the Indian Penal Code, 1860.

And

In Re : Sk. Unus Ali @ Sk. Unus & Anr.

..... petitioners

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

....for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, initially a police complaint being Khanakul Police Station Case No. 251 of 2021 dated June 19, 2021, inter alia, under Section 498A/306/406 of the Indian Penal Code (IPC) was initiated at the instance of the father of the de-facto complainant where the petitioners were not named. The police filed charge-sheet. The petitioners were not included in such charge-sheet. Thereafter, the present police complaint was lodged falsely implicating the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that there is a previous police complaint on the self-same sections of the Indian Penal Code lodged at the instance of the father of the de-facto complainant and considering the fact that the possibility of the petitioners being falsely implicated in the present police complaint cannot be ruled out 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/- 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 in a month till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)