

05.04.2022
Serial no. 22
[Dd]
(Anticipatory Bail
Allowed)

CRM(A) 1560 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **153** of **2022** dated **04.02.2022** under Sections **448/376/406/34** of the Indian Penal Code.

-And-

In the matter of : **Somnath Biswas & Anr.**

... .. Petitioners

Mr. Somnath Adhikary, Advocate

... .. For the Petitioners

Mr. Narayan Prasad Agarwala,

Mr. Pratick Bose, Advocates

... ..For the State

Mr. Navanil De,

Mr. Srinjan Ghosh, Advocates

.. ...For the de facto complainant

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated.

State and the de facto complainant are represented.

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 as well as the statement of the neighbours recorded under Section 161 thereof.

The neighbours in their statement recorded under Section 161 of the Criminal Procedure Code states that the complaint was lodged in order to falsely implicate the petitioners in view of the property disputes existing between the petitioners and the husband of the de facto complainant.

The petitioner no.1 and the husband of the de facto complaint are brothers.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the fact that possibility of the petitioners being falsely implicated cannot be ruled out on the basis of the statement of the neighbours recorded under Section 161 of the Criminal Procedure Code, we are inclined to 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 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 petitioner no. 1 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 2 shall cooperate with the investigation till its completion and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed.**

CRM(A) 1560 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)