

07.04.2022

18

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1598 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshiary** Police Station Case No. **49** of **2022** dated **19.02.2022** under Sections 448/323/325/326/307/354B/34 of the Indian Penal Code, 1860 and adding Section 376 of the Indian Penal Code, 1860.

And

In Re : Swapan Bhunia & Anr.

..... petitioners

Mr. Mrityunjoy Chatterjee

Md. G. N. Imrohi

Mr. S. Bhattacharya

Mr. D. Majumdar

....for the petitioners

Mr. Neiguive Ahmed

Mr. Iqbal Kabir

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the incident arose out of property dispute between the brothers. Petitioner no. 2 is a student and was at Hyderabad at the date of the incident. The petitioner no. 1 is an employee of Shyama Prasad Mukherjee Port Trust. The petitioners were falsely implicated. The victim developed her story in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the 164 Cr.P.C. statement of the victim and the medical reports of the injured.

The 164 Cr.P.C. statement of the victim is not entirely corroborated by the medical evidence available in the case diary. The injuries apparently are not grievous in nature.

Moreover, there is an issue of the petitioner no. 2 not being present at the locale at the material point of time. The petitioner no. 1 is an employee of an Article 21 Authority and, therefore, the question of absconsion of the petitioner no. 1 is that much less.

Considering the facts as noted above and considering the materials in the case diary, 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 petitioner no. 1 (Swapan Bhunia) shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 2 (Samaresh Bhunia) shall cooperate with the Investigating Officer 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.)