

27.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1897 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No. **65** of **2022** dated **03.04.2022** under Sections 341/376/511/323/354/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Lalchand Molla & Ors.

..... petitioners

Ms. Minoti Gomes

Mr. Arup Sarkar

....for the petitioners

Mr. Sandip Chakraborty

....for the State

Leave granted to the learned advocate appearing for the petitioner to correct the cause title.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there is a police case against the husband of the de-facto complainant relating to the husband setting the house of the petitioner on fire. On the husband being enlarged on bail in such police case, the present complaint pursuant to the order passed by the Magistrate under Section 156(3) of the Code of Criminal Procedure was started. She submits that, the present

police complaint is a counter-blast to the police case against the husband of the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Considering the fact that the possibility of the present police case being a counter-blast to the earlier police complaint against the husband of the de-facto complainant where he was arrested cannot be discounted at this stage and considering the 164 Cr.P.C. statement of the victim and 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 petitioners shall meet the Investigating Officer once in a fortnight 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.)