

11.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2121 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguiati** Police Station Case No. **113** of **2022** dated **23.03.2022** under Sections 447/323/354/506/120B/34 of the Indian Penal Code, 1860.

And

In Re : Lakshmi Kanta Kar & Ors.

..... petitioners

Mr. Sandip Chakraborty

Mr. Balaram Sardar

Ms. Jally Dey

....for the petitioners

Mr. Debangana Bhattacharjee

Ms. Swarnali Saha

....for the de-facto complainant

Mr. S. G. Mukherjee, learned Public Prosecutor

Ms. Subhashree Patel

....for the State

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

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners that, the police complaint arose out of a dispute between the landlord and the developer. The petitioners were falsely implicated. One of the co-accused was granted anticipatory bail by this Hon'ble Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the two statements recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, there is hardly any dispute between the parties qua landlord and developer. The petitioners are guilty of outraging the modesty of a lady.

The petition contains a development agreement.

There are 164 Cr.P.C. statements in the case diary.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from 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 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.)