

07.06.2022

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Allowed

C.R.M.(A) 2340 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 163 of 2021 dated 27.03.2021 under Sections 498A/304B of the Indian Penal Code.

And

In Re : Esmi Khatoon @ Khatun @ Reshmi Bibi @ Khatoon @Esmi Khatoon Bibi & Ors. petitioners

Mr. Arnab Saha
Mr. Abhimanyu Bannerjee
.....for the petitioners

Ms. Zareen N. Khan
Md. Kutubuddin
....for the State

In an earlier application for pre-arrest bail being CRM 6525 of 2021, a co-ordinate Bench of this Court vide order dated 14.12.2021 granted anticipatory bail to the petitioners. Due to typographical errors, petitioners could not avail of such order. Subsequently, an application for modification was taken out which came to be disposed of with liberty to file afresh. Pursuant to such liberty, the present application has been filed.

Learned Counsel appearing for the State submits report that the petitioners are one and same persons in both the cases. Report is placed on record.

In view of the facts and circumstances of the case and the extent of complicity of the petitioners in the alleged crime, 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/- 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 condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

