

23.06.2022
Serial no.27
Aloke

CRM (A) 2974 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 192 of 2021 dated 16.07.2021 under Sections 498A/313/376/34 of the Indian Penal Code.

-And-

In the matter of : **Krittibas Biswas & Ors.**

... .. Petitioners

Mr. Prabir Mazumder, Advocate
Mr. S. Mazumder, Advocate

... .. For the Petitioners

Mr. N. P. Agarwala, Advocate
Ms. Subhasree Patel, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He refers to a notice issued on behalf of the de facto complainant dated April 27, 2021 wherein, it is claimed that the de facto complainant was residing at her paternal home for a period in excess of one and half years. He submits that the present police complaint does not contain any dates with regard to the alleged incidents.

Learned Advocate appearing for the State draws the attention to the statements of neighbour recorded under Section 161 of the Code of Criminal Procedure and that of the de facto complainant.

Considering the materials in the case diary and considering the fact that there is a letter issued by the de facto complainant dated April 27, 2021 where it is claimed that the de facto complainant was residing at her paternal home for a period of one and half years prior to such notice, 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 condition that the petitioner nos. 1, 3, 4 and 6 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner nos. 2 and 5 will cooperate with the investigation 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) 2974 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)