

27.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3010 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** Police Station Case No. **104** of **2022** dated **18.03.2022** under Sections 448/341/323/506/34 of the Indian Penal Code, 1860 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Abul Basar Khan @ Basar Khan & Ors.

..... petitioners

Mr. Dipanjan Chatterjee

....for the petitioners

Mr. Shiladitya Banerjee

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners draws the attention of the Court to the contents of the First Information Report (FIR). He submits that, there are property disputes between the private parties. The private parties are relatives. The petitioners are sought to be falsely implicated.

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.).

Existence of property dispute is admitted at the behest of the de-facto complainant. The fact that the petitioners are

sought to be falsely implicated with regard to such property dispute cannot be ruled out at this stage.

In such circumstances, considering the materials in the case diary, the gravity of the offence and the involvement of the petitioners therein, 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 petitioner no. 1 (Abul Basar Khan @ Basar Khan) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 2 (Ayesha Begum @ Ayesha Khatun) and 3 (Hafeja Begum @ Fafeja Begum) 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.)