

30.06.2022
Serial no.20
Aloke

CRM (A) 3087 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 397 of 2022 dated 21.04.2022 under Sections 498A/494/376/325/323/308/34 of the Indian Penal Code.

-And-

In the matter of : **Samirul & Anr.**

... .. Petitioners

Mr. Koustav Bagchi, Advocate
Ms. Sabnam Laskar, Advocate

... .. For the Petitioners

Mr. Debabrata Chatterjee, Advocate
Mr. Santanu Chatterjee, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

The de facto complainant initially lodged police complaint inter alia under Section 498A of the Indian Penal Code. The first petitioner was not named in the first complaint. The second petitioner along with others were named. The second petitioner was enlarged on bail by the jurisdictional Court. He refers to the order of the jurisdictional Court.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

This is the second application at the behest of the de facto complainant in the earlier police complaint. The petitioner no. 2 was enlarged on bail by the jurisdictional Court. The de facto complainant did not complain against the first petitioner in the first complaint.

Considering the materials in the case diary and the post police complaint where the jurisdictional Court passed an order

of granting bail to the second petitioner, 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 petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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) 3087 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)