

07.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3205 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **271** of **2022** dated **13.05.2022** under Sections 363/365/34 of the Indian Penal Code, 1860.

And

In Re : Md. Musahak @ Babon & Ors.

..... petitioners

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

Ms. Dhanasree Biswas

....for the petitioners

Mr. Sudip Kumar

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were 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.).

The victim in her 164 Cr.P.C. statement implicates the petitioner no. 2 to the mother of the principal accused. The victim also implicates the principal accused as well as his father.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2 (Pamela Bibi).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner nos. 1 and 3 are concerned, we grant anticipatory bail to the petitioner nos. 1 (Md. Musahak @ Babon) and 3 (Md Ahammed Ali).

Accordingly, we direct that in the event of arrest the petitioner nos. 1 and 3 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 the petitioner nos. 1 and 3 shall meet the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

