

19.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3436 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **555** of **2022** dated **07.07.2022** under Sections 498A/325/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Soumitra Sarkar & Anr.

..... petitioners

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioners

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. She draws the attention of the Court to the previous police complaint lodged by the first petitioner. She submits that the present police complaint was lodged seven months after the alleged incident.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The case diary does not contain any injury report.

Apparently, there is a delay in the lodgment of the First Information Report.

There is a previous police complaint lodged at the behest of the first petitioner.

In such circumstances, 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 the petitioner no. 1 (Soumitra Sarkar) shall meet the Investigating Officer once a month till the conclusion of the investigation and petitioner no. 2 (Anjana Sarkar) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

