

02.08.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3666 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Itahar** Police Station Case No. **337** of **2022** dated **09.06.2022** under Sections 448/323/325/354B/376/511/427/34 of the Indian Penal Code.

And

In Re : Manjur Islam @ Ali & Anr.

..... petitioners

Mr. Kaushik Chaudhury

Ms. Busra Khatun

....for the petitioners

Mr. Pravas Bhattacharya

Md. Firoz Ali Begg

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The disputes arose due to foul water alleged percolating to the house of the de-facto complainant.

State is represented.

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.).

Considering the 164 Cr.P.C. statement of the victim and the medical examination report of such victim and the materials in the case diary, 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 petitioners shall meet the Investigating Officer once a fortnight 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.)