

05.08.2022
Sl.6
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3739 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **386 of 2022** dated **26.04.2022** under Sections **448/376/506/34** of the Indian Penal Code.

And

In the matter of: **Raju Biswas & Anr.**

....petitioners.

Mr. Prabir Majumder

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP

Ms. Debjani Dasgupta

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. There is a previous police complaint against the family members of the de facto complainant lodged at the behest of the petitioners.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

In response to a query of the Court, she submits that the de facto complainant refused to undergo medical examination.

In view of the refusal of the de facto complainant to undergo medical examination and in view of the statement of the de facto complainant recorded under Section 164 of the Code of Criminal procedure 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/- (Rupees Ten Thousand Only) each, with two sureties

of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3739 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)