

11.08.2022

18

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3847 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rishra** Police Station Case No. **02** of **2022** dated **03.01.2022** under Sections 341/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Smt. Sumita Paine & Anr.

..... petitioners

Mr. Pawan Kumar Gupta
Mr. Kaushik Chaudhury
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Ishan Bhattacharjee
....for the petitioners

Mr. Pravas Bhattacharya
Ms. Subhasree Patel
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He refers to the two previous First Information Reports. He refers to the litigation pending between the private parties including orders passed by the Writ Court from time to time.

Learned advocate appearing for the State refers to the materials in the case diary.

The issue of false implication of the petitioners cannot be overlooked at this stage. There are private disputes pending. There are orders passed by the Writ Court.

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 (Smt. Sumita Paine) shall cooperate with the Investigating Officer till the conclusion of the investigation and petitioner no. 2 (Sri Biswarup Paine) shall meet the Investigating Officer as and when called for 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.)

