

21.09.2022

25

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4508 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rejinagar** Police Station Case No. **170** of **2022** dated **20.07.2022** under Sections 448/323/325/354/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Tapas Baidhya @ Tapas Baidya & Ors.

..... petitioners

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioners

Mr. Kingsuk Mondal

....for the de-facto complainant

Mr. Navanil De

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, there is a previous police complaint lodged at the behest of the petitioners. The present police complaint was lodged two months after the incident.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure.

The de-facto complainant is represented.

The issue of false implication in the facts and circumstances of the present case cannot be overlooked at this stage. There is a police complaint at the behest of the petitioners. There is a delay of two months in the lodgment of the present police complaint.

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 petitioners shall meet the Investigating Officer once a month 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.)

(Md. Shabbar Rashidi, J.)

