

30.09.2022

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C.R.M. (A) No. 4602 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 341 of 2022 dated 01.06.2022 under Sections 447/325/195A/34 of the Indian Penal Code.

And

In Re : **Momin Sk. & Ors.** petitioners

Ms. Minoti Gomes

Mr. Sourav Mukherjee

.....for the petitioners

Mr. N.P. Agarwala

Mr. Mirza Firoj Ahmed Begg

....for the State

It is submitted on behalf of the learned Counsel for the petitioners that there was an earlier case between the parties. They were released on bail. Subsequently, they have been falsely implicated in the present case.

Learned Counsel for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. The allegation of assault is not supported by medical evidence.

In view of the extent of complicity to the petitioners in the crime, we are of the opinion though custodial interrogation of the petitioners may not be necessary, their movements require to be restricted to instill confidence in the mind of the de facto complainant and other witnesses.

Under such circumstances, we are inclined to 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on further conditions that the petitioners shall not enter the jurisdiction of Kaliganj Police Station while on anticipatory bail except for the purpose of investigation and attending the Court proceedings and shall provide the address where they shall reside to the investigating officer as well as the Court below and shall report to the officer-in-charge of the police station concerned within whose jurisdiction they shall presently reside once in a week until further orders. They shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)