

30.09.2022

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Aloke

C.R.M. (A) No. 4676 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. 780 of 2022 dated 08.08.2022 under Sections 341/376D/292/506/120B of the Indian Penal Code.

And

In Re : **Nitish Biswas @ Litu & Anr.**

..... petitioners

Mr. Prabir Majumder
Mr. S. Majumder

.....for the petitioners

Mr. Sudip Ghosh

....for the State

It is contended on behalf of the petitioners that they have been falsely implicated due to a matrimonial dispute.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim lady.

Petitioner no. 1 is the principal accused who ravished her. Hence, we are not inclined to grant anticipatory bail to petitioner no. 1.

Keeping in view the extent of complicity of the petitioner no. 2 in the crime and as the possibility of her false implication cannot be ruled out, we are inclined to grant anticipatory bail to her.

Accordingly, we direct that in the event of arrest the petitioner no. 2 shall be released on bail upon furnishing a

bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the petitioner no. 2 shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail of petitioner no. 2 is, thus, allowed.

The application for anticipatory bail of petitioner no. 1 is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)