

26 18.10.2022
(As/
cm) Court No.29
(Allowed)

C.R.M. (A) 5005 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**308/308 of 2022** dated **25/08/2022** under Sections **498A/376/511/34** of the Indian Penal Code.
And

In the matter of: **Safikul Sk @ Safikul Shaikh.**

....petitioner.

Mr. Rana Mukherjee
Mr. Amarul Islam
Mr. Sourav Mukherjee

...for the petitioner.

Mr. Sanjoy Bardhan
Mr. C. R. Ghosh

...for the State.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police case was lodged as a counter blast of the earlier police case lodged by the petitioner. In fact, it is claimed on behalf of the petitioner that the victim was in the hospital at the relevant point of time.

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

There is an earlier police complaint between the parties.

The issue of false implication cannot be overlooked at this stage.

In such circumstances, we grant anticipatory bail to the petitioner.

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), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5005 of 2022 is disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)