

04.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5068 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **388** of **2022** dated **18.07.2022** under Sections 448/376D/506 of the Indian Penal Code, 1860.

And

In Re : Muslim Ali @ Muslim & Anr.

..... petitioners

Ms. Minoti Gomes

Mr. M. Alam Sk.

....for the petitioners

Ms. Faria Hossain

Ms. Baisali Basu

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). She submits that, the victim refused to undergo any medical examination. She refers to 161 Cr.P.C. statements of the neighbours.

Apparently, the neighbours do not support the claim of the de-facto complainant.

The de-facto complainant refused to undergo medical examination.

In such circumstances, the issue of false implication of the petitioners cannot be overlooked at this stage. Consequently, 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.)

