

21.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5310 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhakhineswar** Police Station Case No. **216** of **2022** dated **03.10.2022** under Sections 376/328/120B of the Indian Penal Code, 1860.

And

In Re : Smt. Purnima Bhattacharya & anr.

..... petitioners

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Krishnendu Bhattacharya

Mr. Rajib Mullick

Mr. Priyankar Ganguly

Ms. Shalini Bairagi

Ms. Sonia Mukherjee

....for the petitioners

Mr. Sanjoy Bardhan

Ms. Baisakhi Chatterjee

....for the State

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He draws the attention of the Court to the previous complains lodged. He submits that, the petitioner is a tenant in a Salt Lake property. The police complaint was lodged to evict the petitioners from the property.

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 as also to her medical examination report.

On a query from the Court as to whether the police ruled out the possibility of a nexus between the de facto complainant and the person, who is trying to evict the petitioners from the immovable property or not, the answer is in the negative.

Both the petitioners are ladies.

Apparently, there are disputes with regard to a tenancy.

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

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 cooperate with the Investigating Officer 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.)