

24.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5438 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panskura** Police Station Case No. **31** of **2022** dated **12.01.2022** under Sections 364/364A/506/120B of the Indian Penal Code, 1860.

And

In Re : Prabir Acharya @ Narayan Acharya & Ors.

..... petitioners

Mr. Sabir Ahmed

Mr. Rajib Kumar Acharya

Mr. Banshi Badan Maity

....for the petitioners

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, while granting bail to the principal accused, the Jurisdictional Court noticed the discrepancies in the First Information Report and the other materials in the case diary. He returned a prima facie finding that the ingredients of offences punishable under Sections 364/364A of the Indian Penal Code were not on record.

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.).

In her 164 Cr.P.C. statement, the victim acknowledges that there is a monetary transaction between the private parties.

There are observations made by the Jurisdictional Court in the order dated January 18, 2022 as contended by the petitioner while granting bail to the principal accused.

The police filed charge-sheet.

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 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.)

