

30.11.2022
Serial no.42
Aloke

CRM (A) 5560 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Noapara Police Station Case No. 381 of 2022 dated 03.11.2022 under Sections 323/341/384/420/354/506/509/120B of the Indian Penal Code.

-And-

In the matter of : **Avishek Das & Anr.**

... .. Petitioners

Mr. Pranab Halder, Advocate

Mr. Anket Mtira, Advocate

Mr. Swarvanu Saha, Advocate

... .. For the Petitioners

Mr. Rudradipta Nandy, Id. APP

Mr. Subrata Roy, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

The police complaint was lodged subsequent to the proceeding under Section 156(3) of the Code of Criminal Procedure.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The de facto complainant is yet to record a statement under Section 164 of the Code of Criminal Procedure.

There is a delay in the lodgment of the first information report.

Apparently, there were relationship between the petitioner and another person. The petitioners before us are the sister of such accused persons and the husband of such married sister.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only) 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 petitioner no. 1 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 will cooperate with the investigation till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5560 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)