

**06.12.2022**

Sl.40  
Court No.29  
(AD)  
(Allowed)

**C.R.M. (A) 5685 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No. **291 of 2022** dated **15.11.2022** under Sections **498A/376(2)(b)** of the Indian Penal Code.

And

In the matter of: **Makkech Mondal @ Makkesh Mondal & Ors.**  
....petitioners.

Mrs. Karabi Roy

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP  
Mr. Santanu Chatterjee

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The present police complaint was filed in retaliation to the previous police complaint lodged by the first petitioner against the de facto complainant. She refers to the contents of the first police complaint.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal procedure.

There is a previous police complaint lodged by the first petitioner against the de facto complainant.

The present police complaint was lodged six years after the marriage and five months after the date of the alleged incident through Section 156(3) of the code of Criminal Procedure.

In such circumstances, the issue of false implication at

this stage cannot be overlooked.

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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

**C.R.M. (A) 5685 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**