

06.12.2022

Sl.41

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5686 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **429 of 2022** dated **06.10.2022** under Sections **363/376/120B/506/34** of the Indian Penal Code (Corresponding to G.R. No.2806/2022).

And

In the matter of: **Babar Ali @ Md. Babor Ali & Ors.**

....petitioners.

Mr. Kallol Mondal

Mr. Krishan Ray

Mr. Sourav Mukherjee

...for the petitioners.

Mr. Avishek Sinha

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that there is proceeding, *inter alia*, under Section 498A of the Code of Criminal Procedure filed by the sister of the petitioners against the de facto complainant and her family members.

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. He submits that the victim refused to undergo any medical examination.

The issue of false implication cannot be overlooked.

There are at least two previous police complaints as against the de facto complainant lodged at the behest of the sister of the petitioners.

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/- (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) 5686 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)