

08.12.2022
Serial no.26
Court 29
AB

CRM (A) 5696 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No.527 of 2022 dated 24.6.2022 under Sections 447/380/34 of the Indian Penal Code

-And-

In the matter of : **Surma Bewa @ Surma Bibi & Anr.**

... .. Petitioners

Mr. Sabir Ahmed,
Mr. Abdur Rakib,
Mr. Biswajit Sarkar

... .. For the Petitioners

Mr. Atif Ahmed Siddiqui

... ...For the State

Petitioners claim themselves to be the distant relatives of the defacto complainant. The petitioners claim that they went to the house of the defacto complainant with regard to a dispute. They were falsely implicated.

Learned Advocate for the State draws the attention of this Court to the materials in the case diary. He submits that there are CCTV footages of the petitioners entering the house of the defacto complainant.

Entering the house is admitted. Whether they left the house with valuables is contested. Need for custodial interrogation is not felt.

Considering the materials in the case diary and the gravity of the offence and the involvement of the petitioners therein, 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.2 will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and the petitioner no.1 will cooperate with 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) 5696 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)