

08.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5712 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **783** of **2022** dated **07.10.2022** under Sections 376/326/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act.

And

In Re : Washer Molla @ Wachheb Molla @ Washeb & Anr.

..... petitioners

Ms. Karabi Roy

....for the petitioners

Mr. Soumik Ganguly

....for the State

Apparently, there is a pre-existing enmity between the family members of the de-facto complainant and the petitioners.

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure does not claim that the petitioners before us raped her.

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 further condition that the petitioners shall meet the Investigating Officer once a week 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)