

13.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5795 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Katwa** Police Station Case No. **371** of **2022** dated **26.06.2022** under Sections 367/368 of the Indian Penal Code, 1860.

And

In Re : Gokul Singh

..... petitioner

Mr. Debapratim Guha

Mr. Diptendu Banerjee

....for the petitioner

Mr. Sujan Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The principal accused was enlarged on bail by the Jurisdictional Court. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The principal accused was enlarged on bail by the Jurisdictional Court. The petitioner is the brother of the principal accused.

Considering the role ascribed to the petitioner in the 164 Cr.P.C. of the victim and considering the fact that the police filed charge-sheet, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 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 petitioner 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.)