

13.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5796 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **578** of **2022** dated **13.09.2022** under Sections 448/376 of the Indian Penal Code, 1860.

And

In Re : Billal Sk.

..... petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

Ms. Shanasree Biswas

....for the petitioner

Mr. Sudip Kumar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The brother of the petitioner, who is the husband of the de-facto complainant, lodged a complaint with the jurisdictional Superintendent of Police prior in point of time.

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

There is a complaint to the police at the behest of the husband of the de-facto complainant against her. Thereafter,

the present police complaint was lodged. The husband of the defacto complainant and the petitioner are brothers.

The issue of false implication against the petitioner cannot be overlooked at this stage.

Consequently, 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 further condition that the petitioner shall meet the Investigating Officer once a month till the conclusion of the investigation 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.)

