

19.12.2022  
Serial no.17  
Aloke

**CRM (A) 5872 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 424 of 2022 dated 05.12.2022 under Sections 448/376/511 of the Indian Penal Code.

-And-

In the matter of : **Upen Das**

... .. Petitioner

Ms. Minoti Gomes, Advocate  
Mr. Amanul Islam, Advocate  
Mr. Sourav Mukherjee, Advocate  
... .. For the Petitioner

Mr. Narayan Prasad Agarwala, Advocate  
Mr. Sk. Arief Hossain, Advocate  
... ..For the State

Petitioner seeks anticipatory bail.

There is a previous police complaint against the family members of the de facto complainant. Thereafter, the present police complaint was lodged.

The issue of false implication cannot be overlooked.

Apparently, there are disputes relating to land between the two family members.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5872 of 2022 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**