

CRM (A) 5958 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 1016 of 2022 dated 07.11.2022 under Sections 417/376/34 of the Indian Penal Code.

-And-

In the matter of : **Ruktar @ Ruktar Ali & Anr.**

... .. Petitioners

Mr. Koustav Bagchi, Advocate

Mr. Arup Sarkar, Advocate

Mr. Debayan Ghosh, Advocate

Ms. Priti Kar, Advocate

Ms. Sabnak Laskar, Advocate

... .. For the Petitioners

Mr. Imran Ali, Advocate

Ms. Debnaji Sahu, Advocate

... ..For the State

Petitioners seek anticipatory bail.

This is the third police complaint as against the petitioners. There is a previous police complaint under Section 376 of the Indian Penal Code, 1860 made by the same de facto complainant where the petitioners were enlarged on bail. Subsequently, the present police complaint was lodged.

In the present police case, the de facto complainant refused to undergo any medico legal examination.

In such circumstances, there is an issue of false implication. Consequently, 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 petitioners will report before the Investigating Officer once in a month till the conclusion of 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) 5958 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)