

10.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 78 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **232** of **2022** dated **07.11.2022** under Sections 498A/325/376/506/34 of the Indian Penal Code and Section 4 of the D.P. Act.

And

In Re : Karim Sk @ Abdul Karim & Anr.

..... petitioners

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Mr. Sudip Kumar

....for the State

Apparently, there is a previous police complaint, inter alia, under Section 498A of the Indian Penal Code against the petitioners where the petitioners are on bail.

The present police complaint incorporates allegations under Section 376 of the Indian Penal Code in respect of the same date of the incident as that of the earlier police complaint. Medico legal examination was refused by the victim.

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 as and when called for 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.)