

03.02.2023
Serial no. 02
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 434 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No. **240** of **2022** dated **09.12.2022** under Sections **498A/302/304B/34** of the Indian Penal Code.

-And-

In the matter of : **Asif Ahmed Shaikh @ Asif Sk. & Ors.**
... .. **Petitioners**

Mr. Asraf Mondal,
Ms. Sanjana Saha, Advocates
... .. *For the Petitioners*

Mr. Saswata Gopal Mujkherji, Id. PP
Mr. Partha Pratim Das,
Mrs. Manasi Roy, Advocates
... .. *For the State*

Mr. Atis Kr. Biswas,
Mr. Amit Singh,
Ms. Jyati Agarwal, advocates
... .. *For the de facto complainant*

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated.

State and the de facto complainant are represented.

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

The mother of the victim implicates the husband, mother-in-law and the brother-in-law of the victim.

The petitioners before us are the uncle-in-law and the two cousin brothers-in-law.

The materials in the case diary are omnibus and general in nature as against the petitioners before us.

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 further condition that the petitioners shall 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) 434 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)