

22.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 787 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burdwan** Police Station Case No. **51** of **2022** dated **14.01.2022** under Sections 448/323/325/316/506/34 of the Indian Penal Code.

And

In Re : Sekh Pannalal @ Fatik & Ors.

..... petitioners

Mr. Soumik Ganguly
Mr. Pritam Chowdhury
Mr. Abhishek Addhya
Mr. Sk. Jahiruddin

....for the petitioners

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah

....for the de-facto complainant

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. There was a previous police complaint where, the first petitioner received gun shot injury. The de-facto complainant and the family members were involved in such incident. The police complaint was lodged 12 days after the same incident in respect of which, the earlier police complaint was lodged.

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

Learned advocate appearing for the de-facto complainant refers to an order passed by the Writ Court.

There is an issue of false implication involved in the present police complaint. There is a previous police complaint lodged at the behest of the petitioner. The first petitioner, apparently, suffered a gun shot injury.

There is an issue of delay in the lodgment of the FIR also.

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 once a month 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.)