

28.02.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 851 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ghola** Police Station Case No. **501** of **2022** dated **26.08.2022** under Sections 328/307/34 of the Indian Penal Code, 1860.

And

In the matter of: Dibyendu Raha & ors.

..... petitioners

Mr. Arnab Sinha,

Mr. Dyutiman Banerjee

....for the petitioners

Mr. Avishek Sinha

....for the State

The materials in the case diary suggests that the victim was entered into extramarital relationship with petitioner no.2.

There is an issue of false implication.

The statement made by the victim recorded under Section 164 of the Criminal Procedure Code are not corroborated by evidences at this stage.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners will 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 that petitioner no.1, namely, Dibyendu Raha will report before the Investigating Officer till the conclusion of investigation and that petitioner no.2, namely, Rupa Raha and petitioner no.3, namely, Tumpa Kharwar shall cooperate with the Investigating Officer 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 accuseds 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.)