

16.03.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1083 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Daspur** Police Station Case No. **615** of **2022** dated **10.12.2022** under Sections 420/406/341/323/354/506 of the Indian Penal Code, 1860.

And

In Re : Shibshnakar Rana & Anr.

..... petitioners

Mr. Pravas Bhattacharya

....for the petitioners

Mr. Saibal Bapuli

Mr. M.F.A. Begg

....for the State

The police complaint revolves around 94 grams of gold allegedly made over by the de-facto complainant to the petitioners in the year 2019.

The statement recorded under Section 161 of the Code of Criminal Procedure claims that, a meeting took place on June 27, 2022 with regard to the return of such gold. The police complaint was lodged on December 10, 2022.

Apparently, there are delay in the lodgment of the First Information Report.

Apparently, the petitioners are the craftsmen dealing in crafting gold ornaments. There is an issue of false implication involved.

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.)