

11.05.2023

Serial no. 02

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1864 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Andal** Police Station Case No. **108** of **2023** dated **11.03.2023** under Sections **406/419/420/500/364D/506/384/341/34** of the Indian Penal Code and Sections **66C/66D/66E/67A** of I.T. Act, 2000.*

-And-

In the matter of : **Manju Sharma & Anr.**

... ..Petitioners

Mr. Sajal Kr. Ghosh, Advocate

... .. For the Petitioners

Mr. Swapan Banerjee,

Mr. Sajal Kr. Ghosh, Advocates

... ..For the State

The application is taken up for consideration subsequent to the order dated May 2, 2023.

On May 2, 2023 when the application was moved, it was claimed on behalf of the petitioners that the de facto complainant filed a petition before the trial Court claiming that de facto complainant did not wish to proceed with the police complaint.

Faced with such contention, the de facto complainant was requested to record a statement under Section 164 of the Criminal Procedure Code which the de facto complainant did.

In the statement recorded under Section 164 of the Criminal Procedure Code subsequent to order dated May 2, 2023, the de facto complainant reiterates the allegations as against the petitioner.

There are materials in the case diary implicating the petitioners in the incident alleged.

The subsequent statement of the de facto complainant reiterates the stand of the de facto complainant.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 1864 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)