

10.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1917 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Muchipara** Police Station Case No. **190** of **2022** dated **27.09.2022** under Sections 120B/498A/323/406/506/379/354/376D/511/34 of the Indian Penal Code, 1860.

And

In Re : Mina Nag & Ors.

..... petitioners

Mr. Swapan Kumar Mallick

Ms. Manashi Roy

Ms. Sudeshna Das

....for the petitioners

Ms. Zareen N. Khan

Mr. Arup Sarkar

....for the State

The police case was registered subsequent to an order passed by the Jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.).

Apparently, there are property dispute between the de-facto complainant and the petitioners herein.

Petitioner no. 1 is the mother-in-law of the de-facto complainant. She is about 83 years of age. She is presently residing at an old age home. According to the petitioners, she was driven out from her residence by the de-facto complainant on the refusal of the petitioner no. 1 in selling the property. All other petitioners, who supported the petitioner no. 1, were

implicated in the false police complaint according to the petitioners.

There is a 164 Cr.P.C. statement. The issue of false implication of the petitioners cannot be overlooked at this stage.

Consequently, 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 petitioner nos. 3 (Shyamal Kumar Ghosh), 6 (Amal Ghosh) and 8 (Joyjit Ghosh @ Joyjeet Ghosh) shall meet the Investigating Officer as and when called for till the conclusion of the investigation and petitioner nos. 1 (Mina Nag), 2 (Mahua Dutta), 4 (Barnali Basak Ghosh), 5 (Manimala Ghosh) and 7 (Gouri Ghosh) shall cooperate with the Investigating Officer 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.)