

10.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1922 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station FIR No. **09** of **2023** dated **04.01.2023** under Sections 448/354/376/511/34 of the Indian Penal Code, 1860.

And

In Re : Abbas Ali & Anr.

..... petitioners

Mr. Sanjib Kumar Mukhopadhyay

Ms. Aparupa Bhattacharya

Ms. Nargis Parveen

....for the petitioners

Mr. Prasun Kumar Dutta

Mr. Nirupam Dhli

....for the State

There are three police complaints amongst the private parties. Earliest at the point of time is the one lodged by the mother of the petitioner.

There is an issue of false implication involved.

The Statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) of the victim remains uncorroborated by the 161 Cr.P.C. statements. The police are yet to find any post occurrence witness.

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.)