

17.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2025 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Behala** Police Station Case No. **90** of **2023** dated **16.04.2023** under Sections 376D/354/354B/354C/379/34/323/506 of the Indian Penal Code.

And

In Re : Pinki Gupta & Ors.

..... petitioners

Mr. Bidyut Halder

Mr. Indranil Halder

Ms. Shrabanti Das

....for the petitioners

Mr. Mohammad Khairul

Mr. Mohammad Irfan

....for the de-facto complainant

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

....for the State

There is a pre-existing landlord-tenant dispute between the de-facto complainant and the petitioners.

There is an issue of false implication involved.

There is a statement recorded under Section 164 of the Code of Criminal Procedure of the victim.

The incident is claimed to be occurring about 9 p.m. in the evening at a residential area. The case diary does not contain any statement of any neighbours claiming that such incident occurred.

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 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.)