

19.05.2023

15
Ct. No. 29
CHC
Allowed

C.R.M.(A) 2084 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **349** of **2023** dated **02.05.2023** under Sections **341/376/511/325/326/307/506/34** of the Indian Penal Code, 1860.

And

In the matter of : Nemaï Biswas & ors.

..... petitioners

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee
....for the petitioners

Mr. Binoy Panda,
Mr. Subham Bhakat
....for the State

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that petitioners were falsely implicated. There are preexisting property disputes in respect of which, there was a writ petition filed at the behest of the family members of the petitioners. Subsequent to the order passed in the writ petition, the present police complaint was lodged.

Learned advocate appearing for the State draws attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that so far as the first petitioner is concerned, there are other allegations as against him of the same nature in respect of other cases.

On a query of the Court, as to whether there is any criminal antecedents so far as any of the petitioners is concerned, learned advocate appearing for the State submits that he is unable to assist the Court on such aspect due to lack of instructions.

There is an order passed in a Writ Petition being WPA 4561 of 2022 on July 13, 2022 which notes that there are property disputes. There are disputes with regard to cultivation and possession of immovable properties.

The petitioners and their family members on the one part and the de facto complainant and her family members on the other part are embroiled in civil disputes so far as immovable property is concerned.

Possibility of false implication cannot be ruled out.

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/- (Rupees Ten Thousand only) 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 in a month till the conclusion of 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.)