

06.10.2023
(D/L 28)
Ct. No.29
Partly Allowed
(SKB)

CRM (A) 4084 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Hankshali P.S. Case No.295 of 2023 dated 05.04.2023 under Sections 406/365/370/376/323/506/34 of the Indian Penal Code (G.R. Case No.1253 of 2023).

In the matter of : Prasenjit Biswas @ Pradip Biswas
@ Prosenjit Biswas and another
... Petitioners

Ms. Sanandya Bhattacharyya
... for the petitioners

Mr. Tanmoy Kr. Ghosh,
Ms. Pritha Paul
... for the State

1. Heard learned advocates for the parties.
2. Learned advocate for the petitioners while moving the present petition for anticipatory bail, submits before this court that allegation as made out in the FIR is out and out false and the instant case as involved in the instant petition is the counter blast of a previous complaint case as lodged by one Suresh Biswas who is the father of the co-accused Srikanta Biswas.
3. While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C. From such statement, we find serious allegation against petitioner no.1, Prasenjit Biswas @ Pradip Biswas @ Prosenjit Biswas but so far as allegation against

petitioner no.2, Pinki Biswas @ Bharati Biswas is concerned, those are at the fringe. We also notice no connection between the case as involved in this application and the previous complaint case a copy of which has been annexed as Annexure 'P-1' in the petition.

4. Considering the gravity of the offence, prayer for anticipatory bail of petitioner no.1, Prasenjit Biswas @ Pradip Biswas @ Prosenjit Biswas is hereby rejected.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner no.2, nature of allegation and substantial progress in investigation, it is directed that the petitioner no.2, Pinki Biswas @ Bharati Biswas shall be released on bail by the Arresting Officer in the event of her arrest in the G.R. Case No.1253 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:
 - i) The petitioner being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
6. Accordingly, the prayer for the anticipatory bail is partly allowed.
7. Within 21 days from today petitioner no.2 is directed to appear before the I.O. along with a server copy or certified copy of this order.

8. The applications being CRM(A) 4084 of 2023 is disposed of.

The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)