

CRM (A) 5996 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bongaon GRPS Police Station Case No. 16 of 2022 dated 17.06.2022 under Sections 302/120B of the Indian Penal Code.

-And-

In the matter of : **Dasrath Ram & Anr.**

... .. Petitioners

Mr. Angshuman Chakraborty, Advocate
... .. For the Petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguli, Advocate
... ..For the State

Mr. Arnab Saha, Advocate
Mr. Amartya Basu, Advocate
... .. For the de facto complainant

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The case was registered three months after the date of the incident.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

De facto complainant is represented.

Apparently, the materials in the case diary do not demonstrate a communication between the petitioners and the incident. The petitioners at this point of time cannot be placed at the place of occurrence.

In such circumstances, we are inclined to 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 condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of the investigation and on further

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.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5996 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)