

02.01.2023

71

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 6040 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1356** of **2022** dated **13.11.2022** under Sections 342/384/376/323/34 of the Indian Penal Code, 1860.

And

In Re : Shankar Bhuiya & Ors.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Md. Anwar Hossain

Ms. Manisha Sharma

....for the State

The de-facto complainant implicates the petitioners in an incident of rape and abduction.

There is a marriage certificate produced in Court on behalf of the petitioner claiming that the first petitioner and the de-facto complainant were married.

In view of such marriage certificate and in view of the materials in the case diary, 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 petitioner nos. 1 (Shankar Bhuiya), 2 (Akash Bhuiya), 3 (Gandalal Bhuiya @ Genalal Bhuiya), 6 (Bablu Bhuiya @ Bablu Roy) and 7 (Shyamal Bhuiya) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 4 (Sancharia Bhuiya) and 5 (Rekha Bhuiya) 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.)