

01.03.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 733 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **620 of 2023** dated **09.09.2023** under Sections **498A/376/511/34** of the Indian Penal Code.

And

In Re : **Buddhadeb Halder & Ors.**

..... petitioners

Md. Sabir Ahmed

Mr. Tasnim Ahamed

...for the petitioners

Mr. Tanmoy Kumar Ghosh, Ld. Sr. A.S.G.,

Mr. A. S. Chatterjee

...for the State

Affidavit of service filed in Court be taken on record.

None appears for the defacto-complainant.

The police complaint was lodged pursuant to an order passed under Section 156(3) of the Cr.P.C. The defacto-complainant approached the Court after 10 years of marriage.

There is a discrepancy between the contents of the petition under Section 156(3) and the statement recorded under Section 164 of the Cr.P.C. In the petition, the defacto-complainant claims attempt to rape while in the statement under Section 164 of the Cr.P.C. it is rape.

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. The petitioner nos. 1, 2 and 3 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and the petitioner nos. 4 and 5 will cooperate with the investigation till the conclusion of the investigation. 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.)