

05.04.2024
Item No.43
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1134 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **142 of 2024** dated **09.02.2024** under Sections **195A/307/323/341/34** of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate, Malda. (G.R. Case No.834 of 2024)

And

In Re : Raju Mandal & Ors.

..... petitioners

Ms. Minoti Gomes
Mr. Jisan Iqbal Hossain

.....for the petitioners

Mr. Prasun Kumar Datta, Ld. APP
Mr. Sachit Talukdar

....for the State

Mr. Kazi M. Rahman

... for the de facto complainant.

1. Petitioners contend that petitioner no.4 was falsely implicated in a rape case. He was granted anticipatory bail. Thereafter, the petitioners have been falsely implicated in the present case. There is delay in lodging First Information Report. They pray for anticipatory bail.
2. Learned Lawyer for the de facto complainant opposes the prayer for anticipatory bail.
3. Learned Lawyer for the State produces the case diary.
4. We have considered the materials on record including the statement of the victim lady. She stated that petitioners had surrounded her on the road and tried to throttle her.

There is no independent witness corroborating the allegation. There is delay in lodging First Information Report. Possibility of false implication cannot be ruled out.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.
6. 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 condition that they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
7. The prayer for anticipatory bail of the petitioners is allowed.
8. **C.R.M. (A) No. 1134 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)