

11.06.2024

Court No.29

Item No. 08

Allowed

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CRM (A) 1821 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Market Police Station Case No. 241 of 2023 dated 06.09.2023 corresponding to G.R.S Case No. 1034 of 2023 under Sections 417/376/323/406/506/114 of the Indian Penal Code.

And

In Re: **Rahema Bibi & Anr.**

Petitioners

Mr. Soham De Dhara

Mr. A. Karim

For the Petitioners

Mrs. Faria Hossain

Mr. Dipankar Mahata

For the State

1. Affidavit of service filed in Court be kept with the record. In spite of service, the de-facto complainant is not represented.
2. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case. Learned counsel further submits on instruction that the principal accused has been recently enlarged on bail on 3rd June, 2024.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the complaint and submits that the allegations have been made against the petitioners as well.
4. Considering the materials available in the case diary and the nature and complicity of the petitioners in the commission of alleged offence and having regard to the fact that the principal accused has been recently enlarged on bail, we are of the view that custodial interrogation of the petitioners are not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners **Rahema Bibi** and **Arif Sk** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no. 2 shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The petitioners shall appear before the jurisdictional Court within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is thus disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)