

18.07.2024
SL No.19
Court No.29
(gc)
(Allowed)

CRM (A) 2076 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Tehatta Police Station Case No.376 of 2024 dated 22.05.2024 under Sections 448/323/376/511/34 of the Indian Penal Code.

And

In the matter of : **Nimai Sardar & Anr.**

- Petitioners.

Mr. Asraf Mandal

....For the Petitioners.

Mr. Bitasok Banerjee,

Ms. Rajashree Tah

... For the State.

1. The report filed with regard to service upon the de facto complainant is kept with the record.
2. The petitioner no.1 is the brother-in-law and the petitioner no.2 is the wife of the petitioner no.1. It is stated that due to family dispute, a false complaint has been lodged against them by the de facto complainant.
3. In spite of service, the de facto complainant is not represented.
4. The learned Counsel for the State has produced the case diary.
5. On 22nd May, 2024, an application was filed under Section 156(3) of the Cr.P.C. alleging attempt to commit rape on 7th May, 2024 and subsequently, the complaint was registered.
6. We have read the statement of the victim recorded under Section 164 of the Cr.P.C. carefully with the other statements and the injury report. We cannot rule out at this stage of false implication due to family dispute. Accordingly, we are of the

view that the custodial interrogation of the petitioners is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Nimai Sardar** and **Rinku Sardar @ Balika Sardar**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner no.1 shall meet the Investigating Officer once in a week till the submission of the final report and the petitioner no.2 shall cooperate with the investigation. However, the petitioners shall stay outside the jurisdiction of Police Station Tehatta till the submission of the final report except for the purpose of meeting the Investigating Officer.
8. It is further directed that the petitioners shall provide the address where they shall be presently residing with the Investigating Officer as well as the Officer-in-Charge of the local Police Station where they shall be residing.
9. It is also directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia in connection with S.L. Case No.1075 of 2024 within two weeks from date.
10. Accordingly, the application for anticipatory bail is disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)