

02.01.2024

Sl.76

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4318 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No.**878 of 2023** dated **16.07.2023** under Sections **325/354/448/308/34** of the Indian Penal Code, 1860 corresponding to G.R. Case No.2125 of 2023.

And

In the matter of: **Badir Ali alias Muktar Hossain & Ors.**

....petitioners.

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee ... for the petitioners.

Mr. S.S. Imam, Jr. Government Advocate

Mr. R. Jana

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such order was passed without consulting the materials in the case diary and in view of the ensuing puja vacation.

Learned Advocate appearing for the petitioners submits that, the family members of the de facto complainant kidnapped the minor daughter of the petitioner no.1 and that, a police complaint involving the provisions of the Protection of Children from Sexual Offences Act was registered being Chanchal Police Station FIR No.0388 of 2023. The present police complaint is a counter.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

There is an injury report of the injured person. However, statement of such injured person is yet to be recorded by the police.

The present police case is dated July 16, 2023 and subsequent to the earlier police complaint lodged in respect of the minor daughter of the petitioner no.1. There is an element of false implication involved.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a month 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4318 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)