

09.01.2024

Item No.167(M.L.)

Ct.No.29

dc.

Allowed

C.R.M. (A) 4798 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Harishchandrapur Police Station Case No. 682 of 2022 dated 02.08.2022 under Sections 447/376/511/379/506/34 of the Indian Penal Code.

And

In Re : **Aet Kalu Das @ Atkalu Das & Anr.**

... Petitioners.

Mr. Musharraf Alam Sk.,

Mr. Sujoy Sarkar,

Ms. Susmita Ghorai

... For the Petitioners.

Mr. Sudip Kumar

... For the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 passed by the Coordinate Bench.

By such order, an interim anticipatory bail was granted to the petitioner.

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

We perused the materials in the case diary.

There are previous civil suits pending between the private parties. There is an issue of false implication which cannot be overlooked.

The statement recorded under Section 164 of the Cr.P.C. prima facie largely remained uncorroborated.

Police filed charge-sheet.

In such circumstances, we confirm the interim order dated October 17, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 4798 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)