

11.01.2024

Serial no. 23

Anticipatory Bail

[Allowed]

Dd

CRM (A) 4802 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **777** of **2023** dated **02.08.2023** under Sections **498A/406/354C/376/511/325/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 2561 / 2023)

-And-

In the matter of : **Swapan Singha Roy & Ors.**

... .. Petitioners

Mr. Arnab Chatterjee,

Ms. Dhanasree BISwas, Advocate

... .. For the Petitioners

Mr. Aniket Mitra, Advocate

... ..For the State

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The police complaint was lodged after two years of the alleged incident.

Learned advocate appearing for the State draws the attention of the Court to the injury report.

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code primarily implicating the petitioner no. 1 who is her husband and the

petitioner no. 3 who is her brother in law. There is an issue of delay in the lodgment of the first information report.

Statement of neighbours apparently do not corroborate the version of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

In such circumstances, we confirm the interim order dated October 17, 2023 and grant anticipatory bail to the petitioners.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1, 2, 3 and 7 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos. 4, 5 and 6 shall cooperate with the investigation till its completion and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 4802 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

