

31.01.2024

Serial no. ML 499

Anticipatory Bail

[Allowed]

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CRM (A) 5320 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhagawanpur** Police Station Case No. **190** of **2023** dated **03.05.2023** under Sections **448/341/323/376/511/427/506/34** of the Indian Penal Code, 1860.
(G.R. Case No. 502/2023)*

-And-

In the matter of : **Pranab Kumar Das & Ors.**
... .. **Petitioners**

*Ms. Ipsita Ghosh,
Mr. Indrajit Chatterjee, Advocates
... .. For the Petitioners*

*Mr. Ranabir Roy Chowdhury,
Mr. Shiladitya Banerjee, Advocate
... ..For the State*

De facto complainant and the petitioners before us are relatives.

Apparently, there are disputes with regard to common passage and a submersible pump between such private parties. An incident of assault took place on May 3, 2023. There is a statement recorded under Section 164 of the Criminal Procedure Code where, there are allegations of attempt to rape and, in fact, outraging the modesty by such persons.

Possibility of exaggeration cannot be overlooked. Possibility of false implication exists given the nature of previous animosity between the private parties.

Police filed charge sheet.

In such circumstances, we 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 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) 5320 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)