

02.02.2024

Serial no. 66

Anticipatory Bail

[Allowed]

Dd

CRM (A) 5453 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **430** of **2023** dated **29.09.2023** under Sections **365/323/34** of the Indian Penal Code, 1860. Charge sheet filed under Sections 365/323/34/364A of IPC. (G.R. Case No. 4599/2023)*

-And-

In the matter of : **Rina Parvin & Anr.**

... .. Petitioners

*Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose, Advocates
... .. For the Petitioners*

*Mr. Rudradipta Nandy, APP
Mr. Nirupam Dhali, Advocate
... ..For the State*

Petitioners before us claimed that they were falsely implicated.

Learned advocate appearing for the petitioners submits that the petitioner no. 1 instituted a proceeding, inter alia, under Section 498A of the Indian Penal Code, 1860 against the de facto complainant and husband of the petitioner no. 1. The present police complaint is a counter blast to such proceedings.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the victim.

There is a statement recorded under Section 161 of the Criminal Procedure Code by the victim which is at variance with the statement recorded under Section 164 thereof. Victim

narrated that, he was at the Court premises when the incident occurred.

As noted above, there are previous proceedings pending.

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) 5453 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)