

04.01.2024

Sl.30

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5709 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kushmandi** Police Station Case No. **122 of 2023** dated **23.05.2023** under Sections **498A/304B/34** of the Indian Penal Code, 1860 and charge sheet have been submitted vide charge sheet no.195 of 2023 dated 18.08.2023 under Sections **498A/304B/34** read with Sections **3/4** of the Dowry Prohibition Act, corresponding to G.R. No.516 of 2023.

And

In the matter of: **Bapi Sarkar & Ors.**

....petitioners.

Ms. Jeenia Rudra

...for the petitioners.

Mr. Dipankar Paramanick

...for the State.

Police filed charged sheet in the present police case without arraying any of the petitioners as accused therein.

The jurisdictional Court, however, took cognizance against the petitioners.

Petitioners applied for anticipatory bail before the jurisdictional Court which was rejected.

Since the police filed charge sheet without arraying the petitioners as an accused and since the jurisdictional Court took cognizance as against the petitioners, it would be appropriate to enlarge the petitioners on anticipatory bail.

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 prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5709 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)