

83. 30.07.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2356 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **31/03/2021** in connection with **Ratua Police Station Case No. 662/2020** dated **30/12/2020** under Sections **448/354/379/506/376/109** of the Indian Penal Code.

And

In the matter of: - **Md. Abdullah & Ors.**

....petitioners.

Mr. Sagar Saha (through V.C.)

...for the petitioners.

Mr. Swapan Banerjee,
Mr. Suman De

...for the State.

The petitioners have been charged under Sections 498/354/379/506/376/109 of the Indian Penal Code.

The petitioners say that they have been falsely implicated. The complainant/victim is the wife of the petitioner no.1. The petitioner no.2 is a cousin of the petitioner no.1 and the other two petitioners are distant relatives of the petitioner no.1. Learned Advocate submits that immediately after the marriage with the petitioner no.1 the complainant demanded money from him. Upon the petitioner no.1 refusing to give her the same, this false complaint has been lodged.

Learned Advocate for the State produces the Case Diary. We have seen the F.I.R. and the statement of the complainant/victim recorded under Section 164 of the Code of Criminal Procedure. There is huge inconsistency between the contents of the F.I.R. and the statement recorded under Section

164 of Cr.P.C. Further, the victim refused to undergo medical examination.

Considering the facts and circumstances of the case and the material in the Case Diary, we are of the view that this is a case where anticipatory bail may be granted to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and with a further direction that the petitioners shall report to the Investigating Officer of Ratua Police Station once in a fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 2356 of 2021 is, thus, **allowed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)