

03.09.2020
tkm
sl no. 56

**C.R.M. 5676 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabhanga P.S case no. 529 of 2019 dated 19.12.2019 under section 365/376/506 of the Indian Penal Code

And

Allowed

In Re : Niren Barman @ Niranjan Barman petitioner

Mr. H Saha Poddar

..... for the petitioner

Mr. A S Chakraborty

Mr. A Sikdar

..... for the State

It is submitted on behalf of the petitioner that there are case and counter case between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the state opposes the prayer for anticipatory bail.

Having considered the materials on record including the statement of the victim recorded under section 164 Cr.P.C. and keeping in mind the nature of allegations in the light of the submission that there is pre-existing enmity and case and counter case were registered between the parties, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 while on bail shall not enter the jurisdiction of Mathabhanga P.S. until further

orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below while on bail.

The application being CRM 5676 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)