

02.12.2020
Court No.3
SL No.77
AP

CRM 9623 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalchini** P.S. Case No.**113 of 2020** dated **20th August, 2020** under Sections **323/506** of the Indian Penal Code and Section **6** of the POCSO Act.

And

In the matter of: **Bipin Kujur**

....Petitioner.

Mr. Sabir Ahmed,
Mr. Mujibar Ali Naskar,
Mr. Apan Saha

...for the Petitioner.

Mr. Aditi Shankar Chakraborty

...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case due to a prior land dispute.

There was no contemporaneous complaint with regard to rape.

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

We note that the first information report was lodged after one year of the initial incident. No contemporaneous complaint was lodged. That apart, there is enmity between the families. In view of the aforesaid facts, false implication of the petitioner cannot wholly be ruled out. Accordingly, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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.

The application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)