

71 13.02.2020
ss Allowed

C.R.M. 1613 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 11.02.2020 in connection with Kumargram P.S. Case No. 135 of 2018 dated 01.07.2018 under section 376 of the Indian Penal Code.

And

In the matter of : Sanjay Barman

Mr. Pronojit Roy

... ... for the petitioner

Mr. Subrato Roy

Mr. Arup Kr. Mondal

... ... for the State

It is submitted on behalf of the petitioner that the allegation of forcible rape is out and out false. There is delay in lodging the first information report.

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

We have considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission that there is delay in lodging the first information report, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct in the event of arrest the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. Petitioner shall meet the investigating officer once in a week until further orders and shall appear before the investigating agency and hand over his passport, if any, within two weeks from date. In the event he does not have any passport, he shall personally appear before the investigating agency and furnish an affidavit to that effect within the time frame mentioned hereinabove.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)