

15.11.2021
SI. No.40
akd
[ALLOWED]

C. R. M. 6983 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Chanchal Police Station Case No. 30 of 2021 dated 07.01.2021 under Sections 498A/376/511 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: **Yunus**

... .. Petitioner

Mr. Soupal Chatterjee

... .. for the petitioner

Mr. Rana Mukherjee

Ms. Debjani Sahu

Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case due to matrimonial discord between his son and the de-facto complainant i.e. daughter-in-law. Allegation of attempt to rape is an afterthought and there is considerable delay in lodging the FIR vis-à-vis the alleged incident of attempted rape.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. It is alleged that the petitioner attempted to ravish the victim three months prior to the lodging of FIR. No contemporaneous report with regard to such conduct of the petitioner is placed on record. In view of the aforesaid fact, we are of the opinion that false implication of the petitioner cannot be wholly ruled out and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Yunus**, 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 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 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)