

CRM 835 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.228 of 2021 dated 21-05-2021 under Sections 448/376/506 of the Indian Penal Code.

- A n d -

In the matter of : Pankaj Barman

.... Petitioner.

Mr. Ranjit Singh

... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das

... For the State.

The allegation against the petitioner is under Section 376 of the Penal Code. The petitioner submits that the complaint was lodged after a delay of 17 days. He has been falsely implicated. There was a love relationship between the parties and it was only when the victim apprehended that her husband may come to learn about such relationship, she lodged the false complaint against the petitioner.

Learned advocate for the State strongly opposes the prayer for anticipatory bail and says that there is sufficient incriminating material against the petitioner. The State refers to the memo of evidence including the injury report of the victim and also refers to the statement of the victim recorded under Section 164 of the Code.

We have considered the material in the Case Diary. Both the petitioner and the defacto-complainant are majors. In view of the nature of allegations against the petitioner and the material available on record, we are inclined to hold that though investigation is in progress and charge-sheet is yet to

be submitted, immediate custodial interrogation of the petitioner may not be necessary so long the petitioner cooperates with the investigation.

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

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM 835 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**