

10.02.2022

26

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 681 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **9** of **2022** dated **10.01.2022** under Sections 376/511 of the Indian Penal Code, 1860.

And

In Re : Babun Pal

..... petitioner

Mr. Ayan Bhattacharya

Mr. Anirban Dutta

Ms. Mohini Majumdar

Mr. Raghav Munshi

....for the petitioner

Mr. Madhusudan Sur

Mr. Manoranjan Mahato

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the present police complaint is an offshoot of proceedings for recovery of the loan from the de-facto complainant. He draws the attention of the Court to the complaint lodged under Section 138 of the Negotiable Instruments Act, 1881 (Act of 1881) by the wife of the petitioner on June 7, 2021 against the de facto.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section

164 of the Code of Criminal Procedure (Cr.P.C.) of the victim as well as her mother.

There is a proceeding under Section 138 of the Act of 1881 initiated at the behest of the wife of the petitioner against the de-facto complainant prior in point of time. The possibility of the police complaint being lodged to falsely implicate the petitioner cannot be ruled out in the facts of the present case.

In such circumstances, we deem it appropriate 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 shall meet the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

