

24.03.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1374 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **15** of **2022** dated **05.01.2022** under Sections 417/420 of the Indian Penal Code, 1860.

And

In Re : Daud Ibrahim @ Riju.

..... petitioner

Mr. Debapriya Samanta

....for the petitioner

Mr. Tapodip Gupta

....for the de-facto complainant

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There was a previous relationship between the petitioner and the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, the petitioner is threatening the de-facto

complainant. The de-facto complainant lodged a general diary with the police. The de-facto complainant is a student. The petitioner is disturbing her.

In her 164 Cr.P.C. statement, the victim acknowledges the past relationship with the petitioner. She states that the petitioner did not marry her despite his promise to marry.

There is a complaint with the police with regard to the disturbances caused by the petitioner.

Considering the 164 Cr.P.C. statement of the victim, 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 the condition that, the petitioner will not enter within the jurisdiction of Berhampore Police Station till the disposal of the trial and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in

Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)