

28.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1382 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **72** of **2022** dated **02.02.2022** under Sections 493/376/509/34 of the Indian Penal Code, 1860.

And

In Re : Gouranga Modak @ Debashis Modak

..... petitioner

Mr. Prononjit Roy

....for the petitioner

Mr. N. P. Agarwala

Ms. Sutapa Banerjee

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged four months after the alleged incident. The police case is a result of a previous relationship turning sour.

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.).

Considering the 164 Cr.P.C. statement of the victim, where she acknowledges the past relationship between her and the petitioner and considering the gravity of the offence and the

involvement of the petitioner therein, we grant anticipatory bail to the petitioners.

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 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.)

