

30.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1452 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Taherpur** Police Station Case No. **231** of **2021** dated **02.09.2021** under Sections 376/511 of the Indian Penal Code, 1860.

And

In Re : Sukhendu Sarkar

..... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The de-facto complainant took a loan of Rs. 7 lakhs from the petitioner. The petitioner approached the Jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.) on August 28, 2021. The present police case was subsequently lodged on September 2, 2021 as a counter-blast.

Learned advocate appearing for the State draws the attention of the Court to the medical examination report of the victim and her 164 Cr.P.C. statement.

The petitioner herein approached the Jurisdictional Magistrate in respect of a loan transaction. Such approach was

prior in point of time. The possibility of the petitioner have been falsely implicated and the present police complaint being lodged as a counter-blast to the first one remains.

Consequently, considering the opinion of the doctor given in the medical examination report of the victim, we deem it appropriate to enlarge the petitioner on anticipatory bail.

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 fortnight 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.)

