

06.04.2022
Serial no. 20
[Dd]
(Anticipatory bail
Allowed)

CRM(A) 1580 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1674** of **2021** dated **03.12.2021** under Sections **448, 323, 376, 511** of the Indian Penal Code.(Corresponding to G.R. Case No. **6839/2021**)

-And-

In the matter of : **Utpal Ghosh**

... .. Petitioner

Mr. Sagar Saha, Advocate
... .. *For the Petitioner*

Mr. Narayan Agarwal
Ms. Sutapa Banerjee, Advocates
... ..*For the State*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a delay of 65 days in lodging the first information report with regard to the incident. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code and to the injury report.

Considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code and considering the delay in lodgment of the first information report, we are inclined 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM(A) 1580 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)