

3 20.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 1724 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguiati** P.S. Case No.**113 of 2022** dated **23/03/2022** under Sections **447/323/354/120B/34** of the Indian Penal Code, 1860.

And

In the matter of: Debasis Biswas

....petitioner.

Mr. Sandip Chakraborty
Mr. Nilanjan Adhikari

...for the petitioner.

Mr. Tanmay Kumar Ghosh, Ld. Sr. Government Advocate
Ms. Sonali Bhar

... for the State.

Mr. Sourav Chatterjee
Mr. Debangan Bhattacharjee
Mr. Subrata Bhattacharjee
Ms. Swarnali Saha
Ms. Madhurima Sarkar

... for the de facto complainant.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a civil dispute between the private parties. The police case was instituted subsequent to the petitioner filing a title suit in respect of an immovable property. He draws the attention of the Court to the contents of the petition under Section 156(3) of the Code of Criminal Procedure filed by the de facto complainant as against the petitioner. He refers to paragraph 10 of the petition and submits that there is no allegation of Section 354 of the Indian Penal Code as against the petitioner.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the

attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure of the victim.

Learned Advocate appearing for the de facto complainant draws the attention of the Court to paragraph 8 of the petition under Section 156(3) of the Code of Criminal Procedure. He submits that the petitioner is an influential person in the locality. He draws the attention of the Court to the order passed by the jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure. He submits that despite an order directing the police to register a First Information Report, the same was done two months thereafter.

Learned Advocate appearing for the State submits a written instruction trying to explain the delay.

According to the police, the case docket was misplaced and, therefore, the delay in lodgment of the First Information Report.

The conduct of the police so far as the lodgment of the First Information Report is not appreciated.

The allegations in the petition under Section 156(3) of the Code of Criminal Procedure made by the de facto complainant does not implicate the petitioner under Section 354 of the Indian Penal Code.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we 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 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 will report before the Investigating Officer once 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1724 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)