

18.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1725 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Itahar** Police Station Case No. **426** of **2020** dated **17.12.2020** under Sections 498A/376/511/34 of the Indian Penal Code, 1860.

And

In Re : Kayesh Ali

..... petitioner

Md. Wasim Akram

Mr. M. Islam

....for the petitioner

Ms. Sujata Das

....for the de-facto complainant

Mr. Debabrata Chatterjee

Ms. Sonali Das

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is an army personnel. He was falsely implicated.

State and the de-facto complainant are represented.

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 fact that the police filed charge-sheet and considering the gravity of the offence and the involvement of the

petitioner therein and considering the 164 Cr.P.C. statement of the victim and considering the fact that the petitioner is an army personnel, 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/-, 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 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.)