

20.04.2022

15

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1769 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhadreswar** Police Station Case No. **125** of **2022** dated **21.03.2022** under Sections 448/341/323/376/417/380/427/506/509/385/34 of the Indian Penal Code, 1860.

And

In Re : Subhas Roy

..... petitioner

Mr. Sudip Ghosh Chowdhury

....for the petitioner

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there is a civil suit pending between the private parties in respect of an immovable property. The present police complaint is a counter-blast to the earlier police case.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de-facto complainant recorded under Section 161 of the Code of Criminal Procedure as also her 164 Cr.P.C. statement.

Considering the fact that there is a civil suit filed by the petitioner in respect of an immovable property against the de-

facto complainant and considering the fact that the present police complaint was lodged thereafter and considering the gravity of the offence and the involvement of the petitioner therein, 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 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.)

