

21.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1802 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Asansol South** Police Station Case No. **78** of **2022** dated **01.03.2022** under Sections 493/420/379/376/323/325 of the Indian Penal Code, 1860.

And

In Re : Arshad Kamal

..... petitioner

Mr. Apurba Kumar Dutta

....for the petitioner

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the victim and the petitioner were in a relationship. 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 Code of Criminal Procedure (Cr.P.C.) and to the injury report of the victim.

The relationship between the petitioner and the victim are acknowledged by the victim in her 164 Cr.P.C. statement.

There is allegation against the petitioner of taking offensive photographs of the victim.

The petitioner will make over his mobile phone to the investigating agency forthwith.

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/-, 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.)

