

04.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2015 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **367** of **2021** dated **25.07.2021** under Sections 448/376/323/379/34 of the Indian Penal Code, 1860.
And

In Re : Nasiruddin

..... petitioner

Mr. Debayan Ghosh

....for the petitioner

Mr. Prasun Kumar Dutta

Mr. Nirupam Dhali

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged by the wife of the petitioner against the husband of the de-facto complainant, inter alia, under Section 376 of the Indian Penal Code prior in point of time. The present police complaint is a counter-blast to such proceeding.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The police complaint lodged by the wife of the petitioner is dated June 13, 2021. The present police complaint was lodged on July 25, 2021.

The contention of the petitioner that, he was falsely implicated and that the present police complaint was lodged as a counter-blast to the earlier one cannot be discounted at this stage. Consequently, 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.)

