

19.05.2022

Serial no. 06

[Dd]

(Anticipatory bail
Allowed)

CRM (A) 2239 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Metiabruz** Police Station Case No. **63** of **2022** dated **04.04.2022** under Sections **376** of the Indian Penal Code.

-And-

In the matter of : **Manoj Ghosh**

... .. Petitioner

*Mr. Shataroop Purkayastha,
Mr. Jagriti Bhattacharya, Advocates
... .. For the Petitioner*

*Mr. Provash Bhattacharjee,
Mr. Amanul Islam, Advocates
... ..For the State*

*Mr. Kaustav Bagchi,
Ms. Priti Kar,
Mr. Debayan Ghosh, Advocates
.. ...For the de facto complainant*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He refers to the date of the complaint and the date of the alleged incident. He submits that the complaint was sought to be lodged six years after the alleged incident. He highlights the age of the victim.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code as also to the medical report of the victim.

Learned advocate appearing for the de facto complainant submits that the petitioner took offensive

photograph of the incident and is threatening to circulate the same in the social media.

Considering the fact that there is delay in the lodgment of the complaint and considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code where she acknowledges that there was a financial relationship between her husband and the petitioner and considering the materials in the case dairy, we are inclined to 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 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 2239 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)