

19.05.2022
Serial no. 10
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 2244 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kakdwip** Police Station Case No. **41** dated **23.02.2022** under Sections **376/511/506** of the Indian Penal Code.

-And-

In the matter of : **Barun Bera**

... .. Petitioner

Mr. Sabir Ahamed,
Mr. Gouranga Kr. Das,
Mr. Sandip Kumar Mondal,
Mr. Mujibar Ali Naskar,
Mr. S. Sarkar,
Mr. A. Saha, Advocates
... .. *For the Petitioner*

Ms. D. Dasgupta, Advocate
... ..*For the State*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that there is a previous police complaint lodged by the family of the petitioner against the family of the de facto complainant with regard to an incident of assault. The present police complaint was lodged 8 days after the lodgment of the assault incident.

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 and her medical examination report. She submits that the jurisdictional Court rejected the prayer for anticipatory bail.

There is a police complaint lodged at the behest of the family of the petitioner prior in point of time against the

family member of the de facto complaint with regard to assault. There is delay in the lodgment of the present police complaint from the date of the alleged incident.

In such circumstances, considering the materials in the case diary, we deem it appropriate 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) 2244 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)