

06.06.2022.
68.

(S. Banerjee)

(Allowed)

C.R.M.(A) 2306 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.05.2022 in connection with Pingla P. S. Case No.53 dated 01.03.2022 under Sections 498A/323/307/376(1)/406/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

In the matter of : Pannalal Maiti

... Petitioner

Mr. Navanil De
Mr. S. Ghosh

.....for the Petitioner

Mr. Joydeep Roy
Ms. Sujata Das

.....for the State

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the de facto complainant had eloped with another person. A complaint was lodged by the petitioner over such issue. Subsequently he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Her statement is bereft of

material particulars with regard to date and time when the petitioner had attempted to rape her. Possibility of false implication of the petitioner due to earlier complaint lodged by him against the said lady cannot be ruled out.

Under such circumstances we are of the opinion that custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the trial court and pray for regular bail within four weeks from date with a further condition that the petitioner shall meet the investigating officer once in a week.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)