

10.06.2022

133
sdas
Allowed

C.R.M.(A) 2543 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 81 of 2022 dated 19.01.2022 under Sections 447/354A/354C/427/506/509/34 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Pallab Bhattacharya petitioner

Mr. Soumya Basu Roy Chowdhuri
.....for the petitioner

Mr. Navanil De
....for the State

Learned Counsel appearing for the petitioner submits that there was dispute over drainage of water in the locality. He Petitioner protested and lodged complaints. As a result, he was assaulted. Subsequently, the present case has been foisted upon him.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations of outraging of modesty/misbehaviour with women require to be assessed in the light of the prior animosity between the parties. Keeping in mind the aforesaid facts, we are of the opinion that custodial interrogation of the petitioner may not be necessary but he requires to co-operate with the investigating agency.

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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)