

13.06.2022
Sl. No.114
akd
[ALLOWED]

C. R. M. (A) 2563 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.06.2022 in connection with Kaliganj Police Station Case No. 136 of 2022 dated 09.03.2022 under Sections 341/376/511/506 of the Indian Penal Code.

And

In Re: ***Samiran Ghosh @ Samar Ghosh***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Shekhar Barman

... .. for the State

It is submitted on behalf of the petitioner that he had lent money to the son of the victim lady. When he demanded the money back, he has been falsely implicated in the instant case.

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

We have considered the materials on record. Attempt to rape requires to be assessed in the light of the aforesaid submission relating to pre-existing enmity between the parties. In view of the aforesaid fact, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Samiran Ghosh @ Samar Ghosh***, 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 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 appear before the court below and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)