

23.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2955 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **473** of **2022** dated **26.05.2022** under Sections 420/493/506 of the Indian Penal Code, 1860.

And

In Re : Biswajit Das

..... petitioner

Mr. Susnigdho Bhattacharya

....for the petitioner

Ms. Anasuya Sinha

Ms. Jonaki Saha

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

In response to query of the Court, she submits that, the victim lodged general diary on June 29, 2020, whereupon the original documents were returned to her.

The victim in her 164 Cr.P.C. statement narrates the incident where, pre-existence of a relationship between the petitioner and the victim is acknowledged.

Considering the materials in the case diary and the 164 Cr.P.C. statement of the victim, we 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/-, 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 meet the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

