

12.07.2022
Sl. 19
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3277 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hoglbberia** Police Station Case No. **214** of **2022** dated **29.06.2022** under Sections **376/511** of the Indian Penal Code.

And

In the matter of: **Sribash Halder**

....petitioner.

Ms. Karabi Roy

...for the petitioner.

Ms. Ratna Ghosh

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in the business of supplying milk. The petitioner supplied milk to the de facto complainant. The de facto complainant was not paying for the same. The present police complaint was lodged to falsely implicate the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure and the medical examination report of the victim.

The victim refused to undergo medical examination. The claim of the petitioner that there are amount due and payable by the de facto complainant to the petitioner on account of supply of milk cannot be overlooked at this stage. Consequently, the issue of false implication creeps in.

In such circumstances, 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/- (Rupees Ten Thousand Only), 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 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3277 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)